



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

GAC Issues the Imported Automotive Commodity Inspection Management Measures (draft for comment)

On November 1, the General Administration of Customs ("GAC") issued the Imported Automotive Commodity Inspection Management Measures (Draft for Comment) (the "Measures"), which sought comments by November 30th.

The Measures clarify the responsibilities and obligations of enterprises, emphasizing that import enterprises take the main responsibility for the quality and safety of their imported automobiles, and stipulate the obligation of enterprises to cooperate with the customs to implement risk management of imported automobiles. For automobile enterprises, it is required that imported automobiles shall meet the mandatory requirements of Chinese technical specifications, and the customs will conduct conformity assessment activities on whether they meet the mandatory requirements of national technical specifications such as safety, hygiene, health and environmental protection during customs clearance.

A&Z Past Events

November 7, Shanghai

China International Import Expo (CIIE) is a major initiative, which supports trade and economic globalization. It is a platform that helps countries around the world strengthen economic and trade exchanges with China. Andrew Zhang, Senior Partner at A&Z, and Anna Lukina, BD and Marketing Director at A&Z, were invited to the 5th CIIE and visited clients' and cooperation partners' exhibition booths. +

November 11, Spain

GAC Issues the Provisions of the Customs of the People's Republic of China on the Administration of Declaration of Imported and Exported Goods (Draft for Comment)

On November 4, the General Administration of Customs ("GAC") issued the Provisions of the Customs of the People's Republic of China on the Administration of Declaration of Imported and Exported Goods (Draft for Comment) (the "Provisions"), which seeks for comments by December 3.

With the background of optimizing the business environment, deepening the integration of customs and inspection, and standardizing customs clearance, the revised parts of the Provisions mainly include three aspects: (1) Integrating the contents of goods declaration in the Provisions on Application for Inspection in Exit-Entry Inspection and Quarantine, and optimizing the time limit for inspection and quarantine declaration. (2) Incorporating the contents of the modification on the declaration documents in the Measures of the Customs of the People's Republic of China for the Administration of the Amendment and Cancellation of the Customs Declaration Forms for Imported and Exported Goods, adjusting the time limit for revision and withdrawal, and clarifying the requirements for revision and withdrawal of customs declaration forms and entry and exit filing lists under the special circumstances such as inspection and cases involved. (3) Adding four laws related to inspection and quarantine into the Provisions as the legal basis; deleting the relevant contents of "Registration of Customs Declaration (Inspection Application) Enterprise".

Shanghai Issues the Revised Provisions of Shanghai Municipality on Encouraging Multinational Corporations to Establish Regional Headquarters

On November 8, Shanghai Municipal People's Government issued a revised version of the Provisions of Shanghai Municipality on Encouraging Multinational Corporations to Establish Regional Headquarters (the "Provisions"), which came into force from the date of promulgation.

The Provisions mainly revise the following contents: (1) Add relevant regulations on the business division headquarters of multinational corporations, and clarify the operating income of the business division headquarters shall not be less than 10% of the operating income of its overseas parent company, and the operating income shall not less than RMB 1 billion yuan. (2) Adjust and optimize the identification standards of headquarters enterprises, release the shareholding ratio of the parent company to not less than 50%, and allow the establishment of headquarters institutions or business division headquarters. (3) Improve the support measures of headquarters enterprises, clearly provide adaptive services for

Invited by the iusTime International Forum of Experts, Mireia Paulo, Senior Consultant at A&Z and Arbitrator/Mediator of the Shanghai International Arbitration Center, participated in a webinar on the topic of trade between China and Spain. Ms. Paulo shared her insights regarding the legal and regulatory environment in the Chinese jurisdiction. +

November 11, Shanghai

The Shanghai United Assets and Equity Exchange held the World M&A Conference, and as the Senior Oartner at A&Z, Andrew Zhang, was invited. The conference gathered government officials, industry experts, senior scholars and corporate executives from domestic and international M&A sectors, to discuss the M&Atrends under the new development model of "accelerating the construction of a large national unified market" and "promoting the mutual promotion of international and domestic dual cycle". +

...

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

headquarters enterprises to set up cross-border fund pools, as well as explore a group-style, industrial chain supply chain-based customs credit cultivation and certification mode. (4) Improve the dynamic evaluation mechanism.

Shanghai Issues Six Guidelines on Anti-monopoly Matters, Including the Guidelines for Declaration of Concentration of Undertakings

On November 14, Shanghai Municipal Administration for Market Regulation issued six Guidelines on anti-monopoly matters, including the Guidelines for the Declaration of Concentration of Undertakings, Guidelines for Cooperation with the Anti-monopoly Investigation, Guidelines for Leniency System of Horizontal Monopoly Agreement Cases, Guidelines for the Declaration of Summary Cases of the Concentration of Undertakings, Guidelines for the Names of the Declaration of Concentration of Undertakings Cases and Guidelines for the Calculation of Turnover in the Concentration of Undertakings Cases of the Financial Industry, which have been implemented from the date of the announcement.

The above-mentioned Guidelines clarify the relevant legal system on examination of concentration of undertakings, enumerating relevant laws and regulations and providing clear guidance on issues such as the meaning, standard, time point, legal responsibility, the applicable standard of summary cases, declaring process, negotiation, the application situations and types of additional restrictive conditions.

The Supreme People's Court Issues Provisions on Several Issues Concerning the Jurisdiction of Foreign-Related Civil and Commercial Cases

On November 15, the Supreme People's Court issued the Provisions on Several Issues Concerning the Jurisdiction of Foreign-Related Civil and Commercial Cases (the "Provisions"), which shall take effect from January 1, 2023.

The Provisions clarify that foreign-related civil and commercial cases shall be governed by the principle of downward jurisdiction and the exception of centralized jurisdiction and that non-significant foreign-related civil and commercial cases of the first instance shall, in principle, be governed by the grassroots people's courts; for the "large amount of subject matter in dispute" as the applicable standard of the jurisdiction of the Intermediate Court, to Beijing, Tianjin, Shanghai, Jiangsu, Zhejiang, Fujian, Shandong, Guangdong and Chongqing, it is more than RMB 40 million yuan (including this number), and to other regions, it is more than RMB 20 million yuan (including this number). The High People's Courts have jurisdiction over litigation with a subject matter of more than RMB 5 billion yuan (including this number) or other first-instance foreign-

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, Xiamen, Tianjin 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).

related civil and commercial cases with significant impact in their jurisdictions.

The Supreme People's Court Plans to Issue the Judicial Interpretation of Anti-monopoly Civil Litigation

On November 18, the website of the Supreme Court published the Notice on the Draft Judicial Interpretation of Civil Anti-monopoly Litigation for Public Comment ("Draft Interpretation"), which seeks comments by December 9.

The Draft Interpretation mainly stipulates the procedural provisions for hearing civil monopoly disputes, the definition of relevant markets, monopoly agreements, abuse of dominant market position, and civil liability. In particular, the Draft Interpretation refines the rules of review related to monopolistic acts on the Internet, and clarifies the rules of adjudication in cases where the platform operator requires the operators in the platform to provide the same or more favorable conditions on the platform as other channels; proposes that the length of user use, number of visits, number of clicks and number of data assets can be used as the benchmark for calculating the market share of the Internet platform operator; clarifies the nine types of factors based on which the market dominance of the Internet platform operator is determined.

CAC Issues the Announcement on the Implementation of Personal Information Protection Certification

On November 18, the Cyberspace Administration of China ("CAC") published the Announcement on the Implementation of Personal Information Protection Certification (the "Announcement"), which clarified that the State Administration for Market Regulation ("SAMR") and CAC decided to implement personal information protection certification, and encouraged personal information processors to improve their personal information protection ability through certification. The Announcement issued the implementation rules of personal information protection certification in the attachment.

The Announcement stipulates the basic principles and requirements for the certification of personal information processors in the collection, storage, use, processing, transmission, provision, disclosure, deletion and cross-border processing activities of personal information. It clarifies that the certification mode of personal information protection certification is technical verification + on-site audit + post-certification supervision, and the certification implementation procedures, time limit, certification certificate and certification mark are also standardized.

SAMR Issues the Anti-Unfair Competition Law of the People's Republic of China (revised draft for comments)

On November 22, the website of the State Administration for Market Regulation published the Anti-Unfair Competition Law of the People's Republic of China (revised draft for comments) ("Revised Draft"), which seeks comments by December 22.

The Revised Draft mainly revises the following aspects: (1) Improve the anti-unfair competition rules of the digital economy and strengthen the compliance management responsibility of platform operators. (2) Improve the terms of commercial confusion, supplement the types of signs that constitute commercial confusion. (3) Prohibit bribery in commercial bribery clauses. (4) Refine the false propaganda clauses. (5) Strengthen the protection of trade secrets. (6) Bring the act of instigating others to commit commercial slander into the scope of regulation. (7) Two new types of unfair competition behaviors, namely, unfair trade behaviors and malicious trade behaviors, have been added. (8) Improve legal responsibility.

Industry News

Tencent, China Unicom get approval for joint venture

Reuters, November 2

BYD's three millionth NEV rolls off production line

Xinhua, November 16

Stellantis to refocus China strategy with Jeep, Maserati brands

Reuters, November 3

China's chemical industry registers stable growth in first three quarters

Xinhua, November 17

'China's hottest woman': the driving force behind crunchy chilli sensation

Lao Gan Ma

The Guardian, November 5

Remy Cointreau cautiously optimistic on China amid lockdowns

Reuters, November 24

Mercedes CEO: 'absolutely inconceivable' to write off China

Reuters, November 8

Ralph Lauren says China continues to be an important investment

China Daily, November 29

(CIIE) China Focus: Six keywords of CIIE showcase China's market potential

Xinhua, November 11

China's longest coal bed methane pipeline begins trial operation

China Daily, December 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.
Visit our website: www.A-ZLF.com.cn**



由未来链接提供技术支持

一体化云平台助力企业或社群组织与客户云端互联