



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 Issues Implementation Measures for the Administrative Provision on Enterprise Name Registration

On August 29, The State Administration for Market Regulation ("SAMR") issued the Implementation Measures for the Administrative Provision on Enterprise Name Registration (the "Measures").

The Measures set forth provisions on the standardization of enterprise names, services for independent application for enterprise names, use of enterprise names and supervision and administration, resolution of disputes over enterprise names, legal liabilities, and so on. The Measures also specify that standardized Chinese characters should be used for enterprise names; if an enterprise name needs to be translated into foreign language for use, it should be translated and used in line with relevant principles of foreign language translation; if an enterprise name contains words such as "China", "Chinese", "Nationwide", "National", etc. such words should be preceded as an industry identifier; no enterprise name shall use words related to major national strategic policies, which may otherwise mislead the public into believing that such name is related

A&Z Past Events

September 8, Beijing

On September 8, the 2023 launch ceremony of the "1+1" China Legal Aid Volunteer Action and the first signing ceremony of the 5th Council were held at the Great Hall of the People in Beijing. Lawyer Zhang Hong from A&Z Law Firm attended the ceremony as one of the representatives of Shanghai lawyers in the 2023 "1+1" China Legal Aid Volunteer Action. A total of 8 lawyers from Shanghai have been selected for this Action and will serve for one year in Banma County, Golog Tibetan

to national investment, government credit, etc. Misleading wording such as “national level”, “the highest level”, “best” shall not be used, nor shall words that explicitly or implicitly indicate a non-profit organization.

MOF Released the Announcement on Extending the Preferential Tax Policies for Returned Goods Exported through Cross-border E-commerce, and the Circular on Extending the Preferential Tax Policies for Imported Exhibits Sold during the China International Fair for Trade in Services (“CIFTIS”)

On August 30, the Ministry of Finance (“MOF”) released the Announcement on Extending the Preferential Tax Policies for Returned Goods Exported through Cross-border E-commerce (the “Announcement”), and the Circular on Extending the Preferential Tax Policies for Imported Exhibits Sold during the China International Fair for Trade in Services (the “Circular”).

According to the Announcement, for goods (excluding food) declared for export under the cross-border e-commerce customs regulation codes (1210, 9610, 9710, 9810) within the period from January 30, 2023 to December 31, 2025, and returned to China in their original condition within 6 months since the date of export due to demurrage or return of goods, they are exempt from import duties, import VAT and consumption tax. The Circular specifies the continuation of the tax policy on imported exhibits for CIFTIS. For imported exhibits sold within the prescribed limits of number or amount during CIFTIS 2024-2025, they are exempt from import duties, import VAT and consumption tax.

SAMR Issued the Recommended National Standard “Requirements for Enterprise Intellectual Property Compliance Management System”

On September 5, the State Administration for Market Regulation (“SAMR”) and Standardization Administration (“SA”) jointly issued the recommended national standard “Requirements for Enterprise Intellectual Property Compliance Management System” (the “Standard”)

The Standard is revised from the “Enterprise Intellectual Property Management Specifications”, mainly adjusting the name of the standard, strengthening the compliance elements, adding IPR compliance management related articles in the full text system of the standard, clarifying the concepts related to the IPR compliance management system, taking IPR compliance as a key concern in the review and improvement, and adding “Appendix B. List of Typical Prohibited Acts of Patents, Trademarks, Copyrights and Business Secrets”, expanding coverage and optimizing the structure of the standard.

Autonomous Prefecture, Qinghai Province. The “1+1” Action aims to provide legal aid services to areas in central and western China with insufficient resources for lawyers, to promote the improvement of public legal service system.

September 8, Wuhan

On September 8, at the invitation of Mizuho Bank(China), Ltd, Wuhan Branch, A&Z Law Firm held a seminar in Wuhan on labor personnel management in Japanese-invested companies in China under the current economic situation. The seminar was delivered by Peter Zeng, Deputy Director and Senior Partner of the firm, Head of the Labor & Compliance Team. The seminar attracted the attention of not only many Japanese-invested companies in Wuhan, but also other foreign-invested companies.

September 20, Miami

On September 18 to 20, Anna Lukina, Business Development and Marketing Director, European-American Desk, A&Z Law Firm, had the pleasure of attending the annual meeting of the international law firm network IURISGAL. The gathering of representatives of law firms from all over the world, took place in Miami, United States. IURISGAL is a global

SAMR Released the Antitrust Compliance Guidelines for Concentration of Undertakings

On September 11, the State Administration for Market Regulation ("SAMR") released the Antitrust Compliance Guidelines for Concentration of Undertakings (the "Guidelines").

The Guidelines serve as a set of special guidelines for antitrust compliance in the field of concentration of undertakings. It can be taken as a reference when an operator establishes its own specific antitrust compliance system based on its business scale, management mode, concentration frequency and compliance system. Operators with annual revenue of over 10 billion in mainland China are advised to establish an antitrust compliance management system for the concentration of undertakings, and to appoint a head for the antitrust compliance in the Guidelines. The Guidelines also clarify the concentration of operators that should be given more attention, as well as the key risk points that should be examined.

STA Released the Announcement on Optimizing Tax Services and Streamlining and Consolidating Statements for the Declaration of Income from Overseas Investments by Resident Enterprises

On September 15, the State Taxation Administration ("STA") released the Announcement on Optimizing Tax Services and Streamlining and Consolidating Statements for the Declaration of Income from Overseas Investments by Resident Enterprises (the "Announcement").

The Announcement further streamlines and consolidates the contents and methods for the reporting of relevant information on the basis of existing policies. First, it reduces the statements. The Announcement merges the Information Statement on a Resident Enterprise's Holding of Shares in Foreign Enterprises and the Information Statement on Controlled Foreign Enterprises, into the Information Statement on Overseas Investments of Resident Enterprises. Secondly, it decreases the information submission frequency. The declaration that should be made in the prepayment of enterprise income tax and immediate declaration are changed into annual declaration, significantly reducing the number of enterprise reports. Thirdly, it optimizes data filing. The Announcement consolidates and sorts the data items, and cuts the required data items from 57 to 28 in an effort to ease the data filing burden on taxpayers.

NMPA Released the Quality Management Specifications for Online Sale of Medical Devices (Draft for

network of independent law firms, whose official languages include Spanish and Portuguese. Actively present on 5 continents, IURISGAL has 59 member law firms, with more than 1,000 lawyers. The IURISGAL meeting in Miami aimed to share professional experiences and expand the international network of Spanish and Portuguese speaking law firms. A&Z Law Firm has been an active member of IURISGAL since 2016, and through this extensive network, A&Z can offer our clients the assurance of receiving quality services globally, whenever they may need them.

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About A&Z Law Firm

A&Z is a leading Chinese law firm, which employs over 50 professionals 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,

comments)

On September 18, the National Medical Products Administration (“NMPA”) released the Quality Management Specifications for Online Sale of Medical Devices (Draft for comments).

The document regulates the quality management of online sales operators and platform operators, clarifying that online sales operators shall establish and improve their quality management system and information management capabilities that are tailored to their business scope and scale. Specifically, quality management system and related documents should at least include the shelf management system, information release management system, purchaser review and registration management system, contract and order management system, after-sale service system, complaint handling system, data management system, quality and safety management system, traceability management system and sales safety guarantee system. The document also clarifies the requirements for platform operators with respect to the management system, information publicity, quality control, after-sales, recall and self-operation, etc.

MOC Released the Draft Amendment to the Measures for the Filing of Commercial Franchising (Draft for comments)

On September 21, the Ministry of Commerce (“MOC”) released the Draft Amendment to the Measures for the Filing of Commercial Franchising (Draft for comments) (the “Draft”).

The Draft deletes Paragraph 10, Article 6 of the original version that states “foreign-invested enterprises shall submit the Foreign-invested Enterprise Approval Certificate, which shall include the items of business conducted in the form of commercial franchising in the scope of business”.

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

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Industry News

Economic Watch: Gen Z ignites new retail trends in China

Xinhua, September 1

BMW expects higher China sales in 2023, finance chief says

Reuters, September 2

China aims to increase supply of high-end electronic devices

China Daily, September 6

Starbucks opens new coffee innovation park in China

Xinhua, September 19

China New Growth: Novel twists on tea, coffee spur China's catering consumption

Xinhua, September 21

Apple's flagship Shanghai store buzzes as iPhone 15 goes on sale

Reuters, September 22

**China's warehouse storage sector
sees expansion for seven straight
months**

Xinhua, September 10

**Economic Watch: Airbus final
assembly line in Tianjin witnesses
robust China-EU aviation cooperation**

Xinhua, September 19

**Economic Watch: China honors
sustainable commitment with greener,
smarter transport**

Xinhua, September 26

**Foreign pharma firms excited about
new biz opportunities at CIIE**

China Daily, September 26

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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