



八 謙 涉 外 法 律 月 刊
BAQIAN FOREIGN- RELATED LAW MONTHLY

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人社部部署实施中国—塞尔维亚社会保障协定¹

日前，人力资源和社会保障部办公厅发布《关于实施中国—塞尔维亚社会保障协定的通知》（下称《通知》），自《协定》生效之日起开始执行。

《通知》主要对《协定》主要内容和依据《协定》免除缴纳相关社会保险费的管理办法作出规定。其中，《通知》明确，就互免险种范围而言，中国为职工基本养老保险、失业保险；塞尔维亚为强制养老和残疾保险、失业保险。同时，中方适用免除在塞尔维亚缴纳相关社会保险费的人员包括派遣人员、在航空器上受雇人员、外交和领事机构人员等五类；塞尔维亚适用免除在华缴纳相关社会保险费的人员与中方适用人员的条件类同。《通知》还指出，派遣人员首次申请免除缴费期限最长为60个日历月。如派遣期超过60个日历月，经中塞两国主管机关同意，可予以延长24个日历月。

MOHRSS Deploys Implementation of China-Serbia Social Security Agreement

Recently, the General Office of the Ministry of Human Resources and Social Security ("MOHRSS") has issued the Circular on Implementing the China-Serbia Social Security Agreement (the "Circular"), with effect from the date of entry into force of the Agreement.

The Circular mainly stipulates the main contents of the Agreement and the administrative measures for exemption from payment of relevant social insurance premiums in accordance with the Agreement. Among others, the Circular clarifies the scope of mutually exempted insurance types, namely, the basic pension insurance or the unemployment insurance for employees in the case of China, and the compulsory pension and disability insurance or the unemployment insurance in the case of Serbia. Meanwhile, China's insurance applies to the personnel subject to exemption from paying relevant social insurance premiums in Serbia, including five categories such as dispatched personnel, personnel employed on aircraft and personnel in diplomatic and consular organs; Serbia's insurance applies to the personnel subject to exemption from paying relevant social insurance premiums in China, who have the same conditions as Chinese applicable personnel. The Circular also points out that the dispatched personnel may apply for the exemption from paying relevant social insurance premiums for the first time for a maximum period of 60 calendar months, beyond which an extension of 24 calendar months may be granted with the consent of the competent authorities of both China and Serbia.

1. 人力资源和社会保障部，《人力资源社会保障部办公厅关于实施中国—塞尔维亚社会保障协定的通知》，http://www.mohrss.gov.cn//xxgk2020/fdzdgknr/zcfg/gfxwj/202101/t20210125_408285.html



《进口物品生产经营单位 新冠病毒防控技术指南》 出台¹

近日，国务院应对新型冠状病毒肺炎疫情防控联防联控机制综合组发布《进口物品生产经营单位新冠病毒防控技术指南》（下称《指南》）。

《指南》从物、人、环三个方面对进一步加强进口物品生产经营企业新冠肺炎疫情防控工作提出具体措施。其中，关于进口物品管控，《指南》明确，要严格落实“五查”制度，加强对进口物品源头、装卸储运过程、生产加工过程和销售经营过程等各环节的全流程管控，做到进口货物来源可查，去向可追。在做好进口物品外包装核酸检测和预防性消毒的同时，对内包装及其内容物也应按要求开展核酸检测和预防性消毒，一旦发现核酸检测阳性样品要按要求严格做好应急处置工作。关于从业人员管控，《指南》要求建立新上岗员工健康登记制度、员工日常健康监测及风险接触信息报告制度、外来人员登记管理制度，加强个人防护知识宣传等。

Guide on COVID-19 Prevention and Control Technology for Imported Articles Production and Operation Entities Issued

The Joint Prevention and Control Mechanism of the State Council for COVID-19 has recently issued the Guide on the COVID-19 Prevention and Control Technology for Imported Articles Production and Operation Entities (the "Guide").

The Guide puts forward concrete measures to further strengthen the COVID-19 prevention and control of imported articles production and operation enterprises from three aspects, namely the control of articles, control of persons, and facility and environment disinfection. Among others, with regard to the control of imported articles, the Guide clarifies that it is necessary to strictly implement the system of "five inspections" (inspection of customs declaration procedures, inspection of inspection and quarantine certificate, inspection of origin, source, specification and quantity, inspection of nucleic acid testing report, and inspection of import and sale



ledgers and disinfection records), and intensify the whole-process control of imported articles including the source, process of loading, unloading, storage and transportation, process of production and processing, and process of sales and operations, so that the source and destination of imported articles can be traced; the nucleic acid testing and preventive disinfection shall be effectively conducted for outer packaging of imported articles, and also for inner packaging and contents thereof as required; once a positive nucleic acid test sample is found, emergency treatment shall be carried out strictly in accordance with the requirements. As for the control of employees, the Guide requires that it is imperative to establish a health registration system for new employees, a daily health monitoring and risk exposure reporting system for employees, and a registration management system for outsiders, and reinforce the publicity of personal protection knowledge.

1. 国家卫生健康委员会，《关于印发进口物品生产经营单位新冠病毒防控技术指南的通知》，<http://www.nhc.gov.cn/zyjks/s7788/202101/7782dbb11f1c40dd8ac1beaaf50100c9.shtml>

国务院税委会：给予所罗门群岛 97% 税目产品零关税待遇

近日，国务院关税税则委员会发布《关于给予所罗门群岛 97% 税目产品零关税待遇的公告》（下称《公告》）。

《公告》称，按照我国给予最不发达国家 97% 税目产品零关税待遇的有关承诺，根据我国与所罗门群岛换文情况，自 2021 年 2 月 1 日起，对原产于所罗门群岛的 97% 税目产品，适用税率为零的特惠税率。97% 税目产品为《中华人民共和国进出口税则（2021）》特惠税率栏中标示为“受惠国 LD”的 8097 个税目等，共计 8281 个税目。

Zero-tariff Treatment Offered to 97% of Taxable Goods Originating in Solomon Islands

The Customs Tariff Commission of the State Council has recently issued the Announcement on Offering Zero Tariff Treatment to 97% of Taxable Goods Originating in Solomon Islands (the "Announcement").

The Announcement reads that in light of China's commitment to providing zero tariff treatment to 97% of taxable goods originating in those least developed countries and according to the exchange of notes between China and Solomon Islands, 97% of taxable goods originating in Solomon Islands will be entitled to the preferential zero tariff rate from February 1, 2021. 97% of taxable goods refer to a total of 8,281 taxable items, including 8,097 items under those marked with "beneficiary country LD (least developed)" in the Preferential Tariff Rate row of the Tariff Schedule of the People's Republic of China for Imports and Exports (2021).

1. 财政部，《国务院关税税则委员会关于给予所罗门群岛 97% 税目产品零关税待遇的公告》，http://gss.mof.gov.cn/gzdt/zhengcefabu/202101/t20210121_3647358.htm



国资委部署加强中央企业境外国有产权管理¹

近日，国务院国有资产监督管理委员会发布《关于进一步加强中央企业境外国有产权管理有关事项的通知》（下称《通知》）。

《通知》指出，各中央企业要切实履行境外国有产权管理的主体责任，将实际控制企业纳入管理范围。要落实岗位职责，境外产权管理工作应当设立专责专岗，确保管理要求落实到位。同时，《通知》明确，各中央企业要严格境外产权登记管理，应通过国资委产权管理综合信息系统逐级申请办理产权登记，确保及时、完整、准确掌握境外产权情况；要加强对个人代持境外国有产权和特殊目的公司的管理，持续动态管控。《通知》还要求，各中央企业要强化境外国有资产交易的决策及论证管理；加强境外资产评估管理，规范中介机构选聘工作；加大境外产权管理监督检查力度，与企业内部审计、纪检监察、巡视、法律、财务等各类监督检查工作有机结合，实现境外检查全覆盖。

SASAC to Strengthen Administration of Overseas State-owned Property Rights of Central Enterprises

The State-owned Assets Supervision and Administration Commission ("SASAC") of the State Council has recently issued the Circular on Matters concerning the Further Strengthening of the Administration of Overseas State-owned Property Rights of Central Enterprises (the "Circular").

The Circular points out that all central enterprises shall earnestly fulfill the entity responsibility for the administration of overseas

state-owned property rights and include the enterprises under their actual control in the scope of administration. They shall implement job responsibilities and set up special posts and specify duties for the administration of overseas property rights to ensure that the administration requirements are put in place. Meanwhile, the Circular clarifies that all central enterprises shall tighten the registration administration of overseas property rights, and shall apply for the property rights registration through the comprehensive information system of the SASAC for the administration of property rights level by level, to ensure that they can keep abreast of the overseas property rights situation in a timely, complete and accurate manner; and they shall strengthen the administration of overseas state-owned property rights held by individuals on behalf thereof and special purpose vehicles, and implement continuous and dynamic control. The Circular also requires that all central enterprises shall strengthen decision-making and demonstration administration of overseas state-owned asset transactions, tighten the administration of overseas assets appraisal, standardize the selection and employment of intermediary agencies, increase the administration, supervision and inspection of overseas property rights, and conduct an organic linkage with various supervision and inspection work such as enterprise internal audit, discipline inspection and supervision, inspections, and legal and financial affairs supervision, to achieve the full coverage of overseas inspectiono years. The Plan also specifies the working process and other matters.

1. 国务院国有资产监督管理委员会，《关于进一步加强中央企业境外国有产权管理有关事项的通知》，<http://www.sasac.gov.cn/n2588030/n2588944/c16582315/content.html>



海关总署推广实施铁路快速通关业务模式¹

日前，海关总署发布 2021 年第 5 号公告，决定推广实施铁路快速通关业务模式，自 2021 年 6 月 15 日起施行。

根据公告，铁路运营企业可根据自身需要申请开展快通业务，并由进出境铁路列车负责人按照规定向海关传输铁路舱单电子数据。海关通过对铁路舱单电子数据进行审核、放行、核销，实现对铁路列车所载进出口货物转关运输监管，无需运营企业另行申报并办理转关手续。公告进一步指出，进出境铁路列车负责人应按《海关进出境运输工具舱单管理办法》等规定，向海关传输原始舱单、预配舱单、进出境快速通关信息、进出境快速通关税载运信息、进出境快速通关指运（启运）到货信息等铁路舱单电子数据。公告还分别对进境快通业务和出境快通业务进行了安排。

GAC Promotes Business Mode of Fast-track Customs Clearance for Railway Transport

The General Administration of Customs ("GAC") has recently issued the Announcement [2021] No.5, deciding to promote the business mode of fast-track customs clearance for railway transport, with effect from June 15, 2021.

According to the Announcement, railway operators may apply for fast-track customs clearance as per their own needs, and their persons in charge of inbound and outbound railway trains shall transmit electronic data on railway manifests to the customs in accordance with the provisions; the customs, through review of electronic data on railway manifests, release, and cancellation after verification, regulates trans-customs transport of imported and exported goods carried by railway trains, without requiring operators to make declaration separately and go through trans-customs procedures. The Announcement further points out that the persons in charge of inbound and outbound railway trains shall, in accordance with the Administrative Procedures for the Manifests of Vehicles Crossing Customs Barriers, transmit to the customs the electronic data on railway manifests such as original manifests, advance manifests, information on imports and exports subject to fast-track customs clearance, carrying information on imports and exports subject to fast-track customs clearance, and information on destination (consignment) and arrival of imports and exports subject to fast-track customs clearance. The Announcement also sets forth provisions on fast-track customs clearance of imports and fast-track customs clearance of exports separately.

1. 海关总署，《海关总署公告 2021 年第 5 号——关于实施铁路进出境快速通关业务模式的公告》，<http://www.customs.gov.cn/customs/302249/2480148/3512888/index.html>



商务部公布原产于美国等进口间甲酚反倾销案终裁裁定¹

日前，商务部发出《关于原产于美国、欧盟及英国、日本的进口间甲酚反倾销调查最终裁定的公告》（下称《公告》），自2021年1月15日起执行。

根据《公告》，商务部最终认定，原产于美国、欧盟及英国、日本的进口间甲酚存在倾销，国内间甲酚产业受到实质损害，而且倾销与实质损害之间存在因果关系。该产品归在《中华人民共和国进出口税则》：29071211。同时，《公告》明确，自2021年1月15日起，对原产于美国、欧盟及英国、日本的进口间甲酚征收反倾销税，税率为27.9%-131.7%不等，征收反倾销税的实施期限为5年。此外，《公告》还对征收反倾销税的方法、反倾销税的追溯征收、新出口商复审、期间复审、行政复议和行政诉讼等作出规定。

MOFCOM Announces Final Ruling for Anti-dumping Case on Imported Metacresol Originating in Countries Including the United States

The Ministry of Commerce ("MOFCOM") has recently issued the Announcement on the Final Ruling on the Anti-dumping Investigation of Imported Metacresol Originating in the United States, the European Union, the United Kingdom and Japan (the "Announcement"), with effect from January 15, 2021.

According to the Announcement, the MOFCOM finally determines that imported metacresol originating in the United States, the European

Union, the United Kingdom and Japan was indeed dumped, which causes substantial harm to the domestic metacresol industry, and there is causality between the dumping practices and the substantial harm. This product is listed under the tariff code 29071211 in the Tariff Schedule of the People's Republic of China for Imports and Exports. Meanwhile, the Announcement clarifies that, from January 15, 2021, anti-dumping duties will be imposed on the imported metacresol originating in the United States, the European Union, the United Kingdom and Japan at different rates ranging from 27.9% to 131.7% in the forthcoming five years. Moreover, the Announcement also stipulates the method of collecting anti-dumping duties, retrospective collection of anti-dumping duties, review of new exporters, interim review, administrative reconsideration, and administrative litigation.

1. 商务部，《商务部公告2021年第2号——商务部关于原产于美国、欧盟及英国、日本的进口间甲酚反倾销调查最终裁定的公告》，<http://www.mofcom.gov.cn/article/zwgk/zcfb/202101/20210103031101.shtml>



国家外汇局修订《银行间外汇市场做市商指引》¹

近日，国家外汇管理局发布修订后《银行间外汇市场做市商指引》（下称《指引》），自公布之日起施行。

《指引》修订的主要内容包括：一是优化做市商结构，发挥综合做市商优势，不再分产品设置做市商。二是简政放权，下放尝试做市机构的准入退出管理至中国外汇交易中心，丰富市场报价机构。三是规范做市交易行为，引导做市商减少对交易量的依赖，注重报价质量的提升和流动性的提供。四是明确做市商应依法履行的义务，强化其依法做市、服务实体经济的意识。其中，《指引》要求，发生放弃做市商资格、股权重大变动、外资银行法人化改制资格承继、其他资格承继等机构变更情况的做市商，应在变更后 30 日内经交易中心提交外汇局登记备案。

SAFE Revises Guidelines for Inter-bank Foreign Exchange Market Makers

Recently, the State Administration of Foreign Exchange ("SAFE") has issued the revised Guidelines for Inter-bank Foreign Exchange Market Makers (the "Guidelines"), for implementation as of the date of issuance.

Main revisions to the Guidelines include: firstly, optimizing the structure of market makers, taking advantage of comprehensive market makers, and no longer setting up market makers by classifying products; secondly, streamlining administration and delegating powers, decentralizing the access and exit management of pilot market-

making institutions to the China Foreign Exchange Trade System ("CFETS"), and enriching market quotation institutions; thirdly, standardizing market-making trading behaviors, guiding market makers in reducing their dependence on trading volume and paying attention to the improvement of quotation quality and the provision of liquidity; fourthly, specifying the obligations that market makers should perform according to the law, and strengthening their awareness of making market and serving the real economy according to the law. Among others, the Guidelines require that, if the market makers have any changes such as waiver of their qualifications as market makers, major changes in equity, the succession of the legal personification restructuring qualification of foreign-invested banks or other qualification successions, they shall submit the changes to the SAFE for registration and record-filing through the CFETS within 30 days after the changes.

1. 国家外汇管理局，《国家外汇管理局关于修订〈银行间外汇市场做市商指引〉的通知》，<http://www.safe.gov.cn/safe/2021/0108/18017.html>



商务部公布《阻断外国法律与措施不当域外适用办法》¹

近日，商务部发布《阻断外国法律与措施不当域外适用办法》（下称《办法》），自公布之日起施行。

《办法》主要包括五方面内容：一是及时报告。中国公民、法人或其他组织遇到外国法律与措施不当域外适用，即禁止或限制其与第三国（地区）开展正常经贸及相关活动的，应在30日内报告。二是评估确认。关于外国法律与措施是否存在不当域外适用情形，工作机制将结合各种因素，进行评估确认。三是发布禁令。经评估确认有关外国法律与措施存在不当域外适用情形的，工作机制可以决定由国务院商务主管部门发布禁令。四是司法救济。因外国法律与措施的不当域外适用遭受损失的，中国公民、法人或其他组织可在国内法院起诉，要求予以赔偿。五是处罚制度。对违反如实报告义务和不遵守禁令的行为，给予相应处罚。

MOFCOM Releases Rules on Counteracting Unjustified Extra-territorial Application of Foreign Laws and Measures

The Ministry of Commerce ("MOFCOM") has recently issued the Rules on Counteracting Unjustified Extra-territorial Application of Foreign Laws and Measures (the "Rules"), with effect from the date of issuance.

The Rules mainly touch upon contents in five aspects. The first is reporting in a timely manner. Where Chinese citizens, legal persons

or other organizations encounter the unjustified extra-territorial application of foreign laws and measures, that is, they are prohibited or restricted from engaging in normal economic and trade and related activities with third countries (regions), they shall report the matter within 30 days. The second is about evaluation and confirmation. Regarding whether there exists unjustified extra-territorial application of foreign laws and measures, the working mechanism will consider various factors to conduct the evaluation and confirmation. The third is issuing a prohibition order. Where there exists unjustified extra-territorial application of relevant foreign laws and measures upon evaluation and confirmation, the working mechanism may decide that the competent commerce department of the State Council shall issue a prohibition order. The fourth is judicial remedy. Where Chinese citizens, legal persons, or other organizations suffer losses due to the unjustified extra-territorial application of foreign laws and measures, they may file lawsuits with domestic courts and claim for compensation. The fifth is punishment system. Corresponding punishments shall be imposed on Chinese citizens, legal persons, or other organizations that violate the obligation to report truthfully and fail to comply with the prohibition order.

1. 商务部，《阻断外国法律与措施不当域外适用办法》，<http://www.mofcom.gov.cn/article/zwgk/>



六部门：优化跨境人民币政策 支持稳外贸稳外资¹

近日，中国人民银行等六部门联合发布《关于进一步优化跨境人民币政策 支持稳外贸稳外资的通知》（下称《通知》），自2021年2月4日起实施。

《通知》包含进一步简化跨境人民币结算流程、优化跨境人民币投融资管理、便利个人经常项目下跨境人民币收付等五方面内容。其中，《通知》提出，支持贸易新业态跨境人民币结算。境内银行在满足交易信息采集、真实性审核的条件下，可按相关规定凭交易电子信息为跨境电子商务等贸易新业态相关市场主体提供经常项目下跨境人民币结算服务。同时，根据商事制度改革，及时调整对业务办理及审核的要求。《通知》还对优化跨境人民币业务重点监管名单形成机制、支持单证电子化审核、放宽对部分资本项目人民币收入使用限制等作出规定。

Six Authorities to Optimize Cross-border RMB Policy to Support the Stabilization of Foreign Trade and Foreign Investment

Recently, six authorities including the People's Bank of China ("PBC") have jointly issued the Circular on Further Optimizing the Cross-border RMB Policy to Support the Stabilization of Foreign Trade and Foreign Investment (the "Circular") for implementation as of February 4, 2021.

The Circular covers the contents in five aspects including further simplifying the cross-border RMB settlement process, optimizing the management of cross-border RMB investment and financing, and facilitating cross-border RMB receipts and payments under personal current accounts. Specifically, the Circular proposes to support cross-



border RMB settlement for new business forms of trade. Domestic banks can provide cross-border RMB settlement services under current accounts for the market players related to new business forms of trade such as cross-border e-commerce by virtue of electronic trading information in accordance with relevant regulations, provided that they meet the conditions for collection of trading information and authenticity review. Meanwhile, it is necessary to adjust the requirements for business handling and review in a timely manner based on the reform of the commercial system. Besides, the Circular also contains stipulations on optimizing the mechanism for forming a key supervision list for cross-border RMB business, supporting the electronic review of documents, and relaxing the restrictions on the use of RMB income from certain capital accounts.

1. 中国人民银行，《中国人民银行、国家发展和改革委员会、商务部、国务院国有资产监督管理委员会、中国银行保险监督管理委员会、国家外汇管理局关于进一步优化跨境人民币政策 支持稳外贸稳外资的通知》，<http://www.pbc.gov.cn/tiaofasi/144941/3581332/4158143/index.html>

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Baqian is a law firm in Yunnan dedicated to providing the most valuable legal service to the society and businesses.

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