



瑞士文斐律师事务所北京办事处

## CHINA LEGAL BRIEFING 3

WENGER VIELI BELSER BEIJING OFFICE

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*a) National*

*Six Ministries Jointly Issue a Notice to Adjust the Preferential Taxation Policies for Importation*

The Ministry of Finance, State Plan Development Commission, State Economic and Trade Commission, MOFTEC, Customs General Administration, and State Administration of Taxation jointly issued a notice to make great adjustment of partial importation preferential taxation policies. The Notice adjusts the taxation policies relating to the investment programs approved before April 1, 1996. The approved technique advancement programs, infrastructure programs and foreign investment programs before April 1, 1996 will all apply to the taxation policies contained in the Notice on the Taxation Policies of Adjustment of Imported Equipments (State Council, December 29, 1997). (Law-Star.com, November 19)

*MOFTEC Execute the Final Safeguard Measurements on Five Imported Steel Products*

MOFTEC promulgated No.48 Bulletin declaring to execute the final safeguard measurements on five imported steel products. For the five imported steel products, the imported steel products will be executed the current customs rate within the regulated number, and outside the regulated number, the imported steel products shall be executed more customs than the current

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customs. The time limit for the safeguard measurement will be three years. (Law-Star.com, November 19)

***MOFTEC Issue a Regulation on the Registration of Sensitive Materials and Techniques for Exportation***

MOFTEC issued the No. 35 of 2002 called the Regulations of Registration for Sensitive Materials and Techniques for Exportation and Business recently. The regulation came into force on November 12, 2002. In accordance with this regulation, the sensitive materials and techniques refer to the materials and techniques bills attached behind the Regulation on the Control over Export of Missiles and Related Items as well as Technologies, the Regulation on the Control over Export of Nuclear Dual Usage Items as well as Technologies, the Regulation on the Control over Export of Biological Dual Usage Items as well as Technologies, the Regulation on the Control over the Chemical Items as well as Technologies. All the operator of sensitive materials and technologies must apply for the registration to MOFTEC. (Law-Star.com, November 18)

***Central Bank Reduce the Deposit Interest Rate of Foreign Currency***

The People's Bank of China decided to reduce the deposit interest rate of a small quantity of foreign currencies in domestic commercial banks from November 19, 2002. The foreign currencies related include the US Dollar, British Pound, Euro, Hong Kong Dollar, Canadian Dollar and Swiss CHF, but exclude the Japanese Yen. (Law-Star.com, November 19)

***China Begin the Annual Examination of Its Overseas Investments***

MOFTEC and State Administration of Foreign Exchange recently jointly promulgated the Provisional Regulations on Annual Examination of Overseas Investment. In accordance with this regulation, China will begin the annual examination of its overseas investments from 2003. The regulations are considered to ensure the growth of China's overseas investments. China will gradually change the current administration measurements of overseas investment, and change the current approval system into the record system in the near future. (Law-Star.com, November 20)

***CAAC Cancel the Joint Business of Domestic Lines***

Civil Aviation Administration of China recently issued a notice deciding to cancel the joint business of domestic lines that has been operated for two and a half years. In the notice, CAAC said that considering the three aviation corporation groups have been established and do not link with CAAC any longer, and the disorder market has been controlled, CAAC decides not to organize the joint business of domestic lines. Before this notice,

CAAC organized the airlines companies that fly the same line and set up a uniform price for the ticket in the same line. (Law-Star.com, November 20)

### ***Central Bank Open More to Foreign Capital Banks***

After the approval of the People's Bank of China, six foreign capital banks are allowed to begin the foreign currency business to the Chinese people. These six foreign capital banks include National City Bank of New York, Bank One International Corporation, Dresdner Bank, Rzb Raiffeisen Zentral Bank, Nanyang Commercial Bank, Development Bank of Singapore. Meanwhile, from December 1, 2002, China will allow the foreign capital banks to do the RMB business in Guangzhou, Zhuhai, Qingdao, Nanjing and Wuhan. (LawBase.com.cn, November 20)

### ***State Council Requires the Central State Organs to Procure***

The State Council recently issued a notice requiring all the central state organs to make public procurement. In 2003, all the central state organs must make the public procurement. In order to make sure the public procurement can be made successfully, a governmental procurement center for the central state organs will be set up. The Ministry of Finance is responsible to supervise all the governmental procurement activities of the central state organs. (ChinaLawOnline.com.cn, November 22)

### ***Beijing Beijing Begins to Execute a Medical Assistance System for the Low-paid Workers***

Beijing Municipal Government issued a notice recently to extend the medical assistance system for the low-paid workers. Those who are listed as the receivers of the Beijing minimum wages have the right to enjoy this system. They can receive part exempt from the medical fees. Beijing Municipal Government has appointed a number of hospitals as the hospitals specially providing the medical assistance. (ChinaLawOnline.com.cn, November 18)

#### ***b) Shanghai***

### ***Shanghai Gold Exchange Issue a Regulation to Administrate the Agent***

Shanghai Gold Exchange issue the Regulation on the Administration of Broking of Capital Transaction recently. The Regulation requires the members of Shanghai Gold Exchange to set up special accounts for the brokerage capital transaction at the banks appointed by Shanghai Gold Exchange. The members shall set up the special items for the clients and execute the special management. The Regulation also forbids the members from using the clients' capitals to make own business or provide guarantee to others. (Law-Star.com, November 20)

### *Six Categories of Foreigners Enjoy the Convenience of Entry and Residence*

Shanghai will provide the greater convenience of entry and residence for six categories of foreigners. In accordance with the newly promulgated regulation, the foreigners with visas L, F, and X can apply for the foreigner employment permission and foreigner employment certificate so long as they can provide the certificate, testimonial and documents concerned. The six categories of foreigners include among others: the foreigners who make great contributions to China's social development and who execute the international gratuitous assistance agreements, the foreigners who hold the position above the deputy general manager in enterprises and social units, the foreigners who are invited by the ministerial or provincial governments as a senior consultant, the foreigners who are dispatched by the enterprises which made investment in China western parts 1,000,000 USD. (LawStar.com, November 20)

#### *c) Local*

### *A Court in Sichuan Province Dismiss the Discrimination Case on Tickets*

Emeishan Intermediate People's Court in Sichuan Province, southwestern China dismissed a case raised on the account of discrimination of tickets. On April 13, 2002, Zhang Jiayang and other seven students at Sichuan University School of Law visited the famous tourism place "Emeishan Mountain", but found that the ticket price for the Emeishan people is only 10 CNY, while tourists from other places shall pay 40 CNY. The plaintiff considered this ticket price as a discrimination against tourists from other places. In the trial, they argued that the ticket policy of Emeishan scenery committee violated the Constitutional Law of the People's Republic of China, as well as the Regulation of Ticket Prices at Scenery Spots in Sichuan, which forbids the scenery spots from taking the dual ticket price system on the basis of nationality, and other factors. But the case was dismissed by the Court by saying that the 40 CNY was the result of executing the price direction by State Plan Development Commission, and the procedure did not violate laws and regulations concerned. The plaintiffs are considering whether to appeal to Sichuan Higher People's Court. (ChinaLawInfo.com, November 18)

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