



瑞士文斐律师事务所北京办事处

## CHINA LEGAL BRIEFING 5

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*a) National*

*China Strengthen the Supervision on the Price of Commodities and Services*

The State Development Planning Commission recently promulgated the Provisional Regulation on the Supervision of the Price Cost of Commodities and Service with a view to strengthening the supervision on the price cost of the important commodities and services. This regulation consists of thirty articles, and will come into force on June 1, 2003. According to this regulation, the important commodities and services refer to the commodities and services that are listed in the central government and local governments pricing directory and to which the governments have taken the provisional interference measurements by law. (ChinaLawInfor.com, December 6)

*China Imposes Anti-dumping Tariffs on Asian Neighbors*

China announced yesterday South Korea, Malaysia, Singapore and Indonesia have dumped esters of acrylic acid in China. The Ministry of Foreign Trade and Economic Co-operation (MOFTEC) said in a primary judgment it will levy anti-dumping tariffs of 11 to 49 per cent on imports of esters of acrylic acid from these countries. Under these restrictions importers are required to deposit cash sums with customs by way of guarantee before importing esters of acrylic acid from those countries. Interested parties can appeal to the

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MOFTEC or the State Economic and Trade Commission (SETC) within 20 days, said the MOFTEC in a notice. Shanghai Gaoqiao Petrochemical Acrylic Acid Works, Beijing Eastern Chemical Works of Beijing Chemical Industry Group Co and Jilian (Jilin) Petrochemicals Ltd applied for an anti-dumping investigation on September 11, 2001 on behalf of China's acrylic acid industry. (China Daily, December 6)

### ***Supreme Court Deliver Two Judicial Interpretations on Anti-dumping and Anti-subsidiary***

The Supreme People's Court recently delivered two judicial interpretations on the trial of administrative litigation cases concerning the anti-dumping and anti-subsidiary. These two judicial interpretations called the Regulations on the Application of Law on the Trial of Anti-dumping Administrative Litigation Cases and the Regulations on the Application of Law on the Trial of Anti-dumping Administrative Litigation Cases. These two judicial interpretations will come into force on January 1, 2003. They lay down the scope of judicial review, the litigation participants, jurisdiction, standards for judicial review, the burden of proof and the forms of judgments. It is the first time that the people's courts are responsible to make judicial review on the anti-dumping and anti-subsidiary decisions made by the State Council. (Law-Star.com, December 4)

### ***The Road Transportation Field More Opened to Foreign Investors***

The Ministry of Communications recently issued the Notice on Further Opening the Field of Road Transportation according to the relevant commitments for China's entering into WTO and the Regulation on the Foreign Investment of the Field of Road Transportation. According to this notice, From December 1, after the approval of the Ministry of Communications, China allows foreign investors including companies, enterprises, other economic organizations and individuals from foreign countries and Taiwan, Hong Kong and Macao regions to establish Chinese-foreign joint venture enterprises conducting road transportation business with Chinese companies, enterprises and other economic organizations. The foreign investors can hold at most 75 percent of the whole shares of the joint venture enterprises. (Law-Star.com, December 5)

### ***CSRC Made Stipulations on the Content and Form of Information Disclosure***

China Securities Regulatory Commission promulgated five legal documents on the content and form of information disclosure of listed companies. These documents are No.15, No.16, No.17, No.18, and No.19 of the content and form of information disclosure of listed companies, regarding the shareholding change report of the shareholders of listed companies, the takeover report of listed companies, takeover report by offer, M & A report of the board of directors, as well as the immunity offer takeover application document. They came into force on December 1, 2002. (Law-Star.com, December 2)

***SAFE Made Stipulations on the Quota of Investment of QFII***

In order to guarantee the execution of the QFII system, the State Administration of Foreign Exchange stipulated the investment quota of QFII recently. According to the new regulation, the single QFII investment quota shall not be more than the equivalent of 800,000,000 USD, and shall not be less than the equivalent of 50,000,000 USD, in the unit of RMB. Every single QFII can only establish one RMB equivalent special account. (ChinaLaw-Info.com, December 2)

***b) Shanghai******Shanghai and Shenzhen Securities Exchanges Issue the Bylaws on QFII Securities Trade***

On December 1, 2002, Shanghai Securities Exchange promulgated the bylaw on the QFII securities trade. In the same day, Shenzhen Securities Exchange promulgated the bylaw on the QFII securities trade, too. These two bylaws laid down the detailed investment operation management of the QFII, and the legal responsibilities for the violation of these bylaws. Due to the technical reasons, the QFII temporarily cannot participate in the purchase of the State-owned bonds and the transaction of the enterprise bonds. According to the bylaws, every single QFII shall not hold more than 10 percent of A share of every listed company. All the QFII shall not hold more than 20 percent of A share of every listed companies. (Law-Star.com, December 2)

***c) Local******Tianjin Issue the Regulation on the New Coastal Zone***

Tianjin Municipal People's Congress issued the Regulation on the New Coastal Zone recently. The regulation laid down the nature, responsibility, the management system, and the administration model of the Coastal Economic Zone. This is the first local legal regulation in China with regard to the economic zone. The regulation also contains the preferential policies to the foreign investment, the industrial policies and its operation of the zone which the foreign investors concern much. (ChinaLawInfo.com, December 3)

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