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CHINA LEGAL BRIEFING 6

WENGER VIELI BELSER BEIJING OFFICE

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a) National

Ministry of Public Securities Issue the Regulation on Administrative Review

The Ministry of Public Securities recently issued the Procedural Regulation on the Public Securities Organs Dealing with Administrative Review Cases, which will come into force on January 1, 2003. This regulation consists of seven chapters and seventy-seven articles. It includes the general rules, the review organs, application, receipt, examination, decisions and the annexed rules. According to this regulation, if the citizens, legal persons and other economic organizations do not agree with the decisions made by the public securities organs, they can apply for administrative review to the people's government at the same level, or to the authorities above the public securities. (CnLaw-Service.com, December 13)

Ministry of Information Industry Issue New Regulation on Internet Domain Names

The Ministry of Information Industry issued the new regulation on the Internet domain names on November 22. According to this new regulation, Internet domain name applicants are authorized to add their organization title before the ".cn" suffix without having to specify their organizations' categories, and domain name use charges will be decided by market, instead of information

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authorities. The Ministry of Information Industry is the highest authority supervising the sector. (Ministry of Information Industry, December 13)

MOFTEC Abolish 50 Importation Restriction Measurements for Machinery and Electronic Products

The Ministry of Foreign Trade and Economic Cooperation (MOFTEC) made public recently that China will abolish fifty importation restriction measurements for the machinery and electronic products, including the commodities listed in the importation quota administrative measurements and the commodities listed in the particular administrative measurements from January 1, 2003. Meanwhile, MOFTEC publicized the Products List for Restricted Importation and Product List for Automatic Importation Permission, which will come into force on January 1, 2003. (Law-Star.com, December 12)

China Sign the UN Small Arms Control Protocol

China signed the UN protocol on the crackdown of illegal firearms on Monday in the United Nations (UN) headquarters in New York. Small arms refer mainly to pistols, submachine guns, grenades and portable anti-aircraft missile systems. The Protocol Against the Illicit Manufacturing of, and Trafficking in Firearms, Their Parts and Components and Ammunition, reached in March last year, is a supplement to the UN Convention Against Transnational Organized Crime. (China Daily, December 11)

China Insurance Regulatory Commission Abolish 58 Items for Administrative Approval

China Insurance Regulatory Commission recently issued a notice declaring the abolishment of fifty-eight items for administrative approval. The abolished administrative approval items include the approval requirement for the proportionality of the insurance companies investing in the securities investments funds, the approval requirement for the quota of insurance companies purchasing the bonds of central enterprises, the approval requirement for the insurance companies using the capitals abroad, the qualification approval for insurance companies investing in securities investment funds, and so forth. (ChinaLawOnline, December 10)

b) Local

Anhui Province Issue the Regulation on the Supervision of Administrative Approval

Anhui province issued the Provisional Regulation on the Supervision of Administrative Approval on December 4, which will come into force on March 1, 2003. This provisional regulation is the first provincial regulation in China to govern the supervision on the administrative approval. It consists of 25 articles and laid down competence of administrative approval, the application of administrative approval, the time limit of the execution of power, the procedures, as well as the legal responsibility pertaining to the administrative approval. According to this regulation, if the administrative approval organs do not accept, approve or make decisions on those applications meeting the legal requirements, the supervisory organs can order them to correct, and can make administrative punishments on the persons directly responsible. (Law-Star.com, December 12)

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