



CHINA LEGAL BRIEFING 78

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1. National

Reply to the Question of Jurisdiction in Civil Cases Involving Such Disputes as Breach of Contract and Tort by Liquidator in Discharging its Responsibilities

最高人民法院关于破产清算组在履行职责过程中违约或侵权等民事纠纷案件诉讼管辖问题的批复

【**Issued By**】 Supreme People's Court

【**Subject**】 Insolvency, Jurisdiction

【**Promulgated on**】 June 21st 2004

【**Effective From**】 June 28th 2004

【**Source**】 www.court.gov.cn

In a reply addressed to the High Court of Hubei Province, the Supreme Court observed that:

After the enterprises have been declared insolvent, claims against the liquidator for breach of contract and tort in discharging his responsibilities, which took place before the termination of the insolvency procedure, shall be heard

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by the people's courts hearing the specific insolvency cases. Such claims shall be joined with the insolvency cases.

Provisions on the Administration of Law Partnerships

合伙律师事务所管理办法

【Issued By】 Ministry of Justice

【Subject】 Law Partnerships

【Promulgated on】 June 16th 2004

【Effective From】 June 16th 2004

【Repeal】 1996 Provisions on Administration of Law Partnerships

【Source】 www.legalinfo.gov.cn

The new Provisions are divided into 6 parts: general rules, establishment, partners, internal management, dissolution and liquidation, and final clauses. Compared to the earlier Provisions, the new one has several aspects, which deserve further attention:

Firstly, the threshold of partnership has been raised. The minimum years of practice is increased from 3 years to 5 years. Further, the prospective partner must not have been imposed administrative sanctions more severe than suspension of practice in the past three years before joined the partnership. In respect of establishing new partnerships, a person leaving or being dismissed by another partnership within the first two years of the establishment of that partnership, is not eligible to be a partner of a new partnership within one year from his withdrawal or dismissal.

Secondly, the responsibilities of the partners' meeting are reinforced. The partners' meeting is entrusted to, among other things, manage the partnership as well as the lawyers therein. The Provisions further provide the major aspects of partners' meeting including the rules of procedure, methods of voting and forms of decisions.

Thirdly, the internal management is strengthened. The law partnerships are required to establish and complete internal management mechanisms and file them to the justice administration and bar associations for record.

Fourthly, the regulations for the liquidation of law partnerships are increased. The Provisions prescribe rules for such aspects as reasons for dissolution, appointment and responsibility of the liquidator, repayment of debts, obligations of partners during liquidation, and handling of unfinished legal services.

Provisions on Supervision and Administration of Importation and Exportation of Articles for Personal Use by Non-Resident Long Term Visitors

中华人民共和国海关对非居民长期旅客进出境自用物品监管办法

【Issued By】 Customs General Administration

【Subject】 Articles for Personal Use, Non-Resident

【Promulgated on】 June 16th 2004

【Effective From】 August 1st 2004

【Source】 www.law-lib.com

The Provisions are composed of 6 parts: general rules, supervision and administration of imported articles for personal use, supervision and administration of exported articles for personal use, supervision and administration of imported duty-free motor vehicles, legal liabilities, and final clauses.

Non-resident long-term visitors to China may, after obtainment of residence permits, apply for importation of articles for personal use. Among them, permanent personnel as defined by the Provisions may import up to one motor vehicle. Visitors other than permanent personnel do not enjoy such a privilege. The initial importation of articles for personal use is exempted from duty except for motor vehicles and other 20 items listed in the Provisions. Duty will be imposed upon any additional importation.

The motor vehicles which have been imported duty free as a result of inter-governmental agreements on exemption of duties will be monitored by customs authorities after importation for up to 6 years. Within such a period, the imported motor vehicles shall not be transferred, sold, let, mortgaged, pledged and disposed of in other manners, absent of approval from customs authorities.

Provisions on Supervision and Administration of Importation and Exportation of Articles for Office Use by Permanent Institutions

中华人民共和国海关对常驻机构进出境公用物品监管办法

【Issued By】 Customs General Administration

【Subject】 Articles for Office Use, Permanent Institutions

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【Effective From】 August 1st 2004

【Source】 www.law-lib.com

The Provisions consist of 6 parts including general rules, supervision and administration of imported articles for office use, supervision and administration of exported articles for office use, continuing supervision and administration of imported duty-free motor vehicles, legal liabilities, and final clauses.

Permanent Institutions for the purpose of this regulation refer to permanent entities upon approval established by overseas enterprises, news agencies, institutions of trade and commerce, cultural institutions, and other overseas legal persons.

Permanent Institutions may import articles for office use, upon which duties will be applied unless exempted in accordance with inter-governmental agreements on exemption of duties. The quota of motor vehicles imported for official use, ranging from 1 to 6, is determined according to the number of personnel at the permanent institutions.

The motor vehicles which have been imported duty free will be monitored by customs authorities after importation for up to 6 years. Within that period, the imported motor vehicles shall not be transferred, sold, let, mortgaged, pledged and disposed in other manners, without the approval from the custom authorities. After 4 years of importation, such motor vehicles may, upon approval from customs authorities, be transferred to other permanent institutions and permanent personnel, or sold to special monopoly companies.

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