



## CHINA LEGAL BRIEFING 105

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### 1. National

#### Anti-Secession Law

反分裂法

**【Issued By】** National People's Congress

**【Subject】** Anti-Secession

**【Promulgated on】** March 14<sup>th</sup> 2005

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- COMPETITION LAW AND INTELLECTUAL PROPERTY LAW
- TAX

This Law is formulated, in accordance with the Constitution, for the purpose of opposing and checking Taiwan's secession from China by secessionists in the name of "Taiwan independence", promoting peaceful national reunification, maintaining peace and stability in the Taiwan Straits, preserving China's sovereignty and territorial integrity, and safeguarding the fundamental interests of the Chinese nation. The Law is meant to promote peaceful reunification rather than undermine bilateral relations. It will serve as a solid line of defense to safeguard the basic interests of people on both sides of the Taiwan Straits. The parliament passed the "anti-secession law" by a vote of 2.896 to none, with only two abstentions.

The Law stipulates that solving the Taiwan question and achieving national reunification is China's internal affair, which subjects to no interference by any outside forces. The Law also mandates the state to take the following measures to maintain peace and stability in the Taiwan Straits and promote cross-straits relations:

- to encourage and facilitate personnel exchanges across the Straits for greater mutual understanding and mutual trust;
- to encourage and facilitate economic exchanges and cooperation, realize direct links of trade, to mail and air and shipping services, and to bring about closer economic ties between the two sides of the Straits to their mutual benefit;
- to encourage and facilitate cross-straits exchanges in education, science, technology, culture, health and sports, and to work together to carry forward the proud Chinese cultural traditions;
- to encourage and facilitate cross-straits cooperation in combating crimes; and
- to encourage and facilitate other activities that are conducive to peace and stability in the Taiwan Straits and stronger cross-straits relations.

However, in the event that the "Taiwan independence" secessionist forces act under any name or by any means to cause the fact of Taiwan's secession from China, or that major incidents entailing Taiwan's secession from China occur, or that possibilities for a peaceful reunification are completely exhausted, the state is entitled to employ non-peaceful means and other necessary measures to protect China's sovereignty and territorial integrity.

**Public Notice of the CBRC on Application Review and Approval Procedures for Foreign Banks' Engagement in Custodian Services to Equity Investment by Insurance Companies**

关于在华外资银行从事保险公司股票资产托管业务市场准入程序的公告

**【 Issued By 】** China Banking Regulatory Commission (CBRC)

**【 Subject 】** Foreign Bank

**【 Promulgated on 】** March 14<sup>th</sup> 2005

**【 Effective From 】** March 14<sup>th</sup> 2005

**【 Source 】** <http://www.cbrc.gov.cn/>

The Public Notice is issued by the China Banking Regulatory Commission (CBRC) in accordance with the Provisional Guidelines on Custodian Services to Equity Investment by Insurance Companies regarding application review and approval procedures for foreign banks' engagement in custodian services to equity investment by insurance companies.

According to the Public Notice, foreign banks seeking to engage in custodian services to equity investment by insurance companies need to, in line with relevant provisions set forth in the Regulation of the Peoples' Republic of China Governing Foreign-funded Financial Institutions and the Rules for Implementing the Regulation of Peoples' Republic of China Governing Foreign-funded Financial Institutions, submit the application materials to relevant CBRC local offices.

The application materials have to include:

- letter of application signed by an authorized representative of the foreign bank headquarters;
- detailed information on the proposed business, which shall cover the relevant operating process and procedures, risk-return analysis, internal control arrangements, staff arrangements, and supporting infrastructures, etc.

The relevant CBRC local office will notify the applicant bank about the completeness of the application materials in a one-time manner within five days upon receipt of the materials, and inform its decision of approval or refusal in writing within three months upon receipt of the complete set of application materials, with a copy of its decision submitted to the CBRC headquarters.

## **Circular on Carrying out Appraiser Occupational Qualification System in Second Hand Industry**

关于在旧货行业推行鉴定估价师职业资格制度的通知

**【Issued By】** Ministry of Commerce, Ministry of Labor and Social Security

**【Subject】** Appraiser Occupational Qualification System

**【Promulgated on】** March 7<sup>th</sup> 2005

**【Source】** <http://www.mofcom.gov.cn/>

The Circular is issued for the purpose of going further to implement requirements in Ministry of Commerce's Circular No. 92, 2004 on Promoting Development of Second Hand Industry, which required to carry out appraisers system gradually and to carry the National Occupation Standards on Appraisers issued by Ministry of Labor and Social Security into execution, so as to carry out appraiser occupational qualification system in second hand industry in order to promote the overall quality of personnel and the total level of the whole second hand industry.

It is stipulated in the Circular that Ministry of Commerce and Ministry of Labor and Social Security are the competent bodies responsible for the establishment of policies for appraiser occupational qualification system, and for the work of organization, coordination and supervision. All personnel in second hand industry are encouraged to attend special skills training of second-hand goods appraisal and assessment so as to receive the occupational qualification certificate.

Appraiser occupational qualification is divided into two kinds, namely appraisers (national occupational qualification, band 4) and master appraisers (national occupational qualification, band 3). Professional skill assessment center of the labor insurance department and China second hand industry organization take the work of examination and appraisal, and both the examination time and the papers scoring are unifies; administrative commercial departments and labor insurance departments in provinces, autonomous regions, municipalities, separately listed cities and Xinjiang Construction Corps may decide the appraisal form.

The Circular also articulates that all personnel engaged in second-hand goods appraisal and assessment may make declaration of the band to China second hand industry association and provincial (municipal) second hand industry association (where the second hand industry association has not already set up, administrative commercial department will be in charge of the work). When making declaration, applicants should provide materials such as pictures, ID cards, longevity and working seniority certifications. After examination and approval by second hand industry association or professional skill assessment office of second-hand goods, and review by

local professional skill assessment center, an exam permission card will be issued.

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