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1. **The Second Draft Of Export Control Law On Deliberation**
2. **The Draft Data Security Law Submitted For Review**
3. **The Amendment To The Administrative Penalty Law**

1. The Second Draft Of Export Control Law On Deliberation

On June 28, 2020, the 20th Meeting of the 13th National People's Congress Standing Committee of the People's Republic of China deliberated on the second draft of the *Export Control Law* (ECL). The second draft consists of five chapters and 48 articles.

The first draft of ECL, published already in December 2019, provided for rules on the scope of application, international cooperation, export control policies and inventories, licensing management systems, law enforcement and supervision, legal liabilities. On the basis of the first draft of ECL, the second draft of the ECL included provisions about intermediary services concerning the export of products that are subject to export controls. According to these provisions, any organization or individual must not provide services such as freight transport, mail delivery, customs clearance, e-commerce trading platform or financial services to export operators if they are connected to unlawful export activities.

2. The Draft Data Security Law Submitted For Review

The National People's Congress released the *Data Security Law of the People's Republic of China* (Draft) on July 3, 2020. The Draft stipulates for measures to strengthen data security, establish a national data security management system, and clarify organizations' and individuals' responsibilities in data security.

According to the Draft, all individuals or entities conducting data activities within the territory of the People's Republic of China will be subject to the *Data Security Law*. Domestic enterprises are not only subject to reporting obligations but they also have to establish a data management system and they have an obligation to train their employees' in order for them to develop a sensitivity for the *Data Security Law*.

3. The Amendment To The Administrative Penalty Law

The National People's Congress released a draft of the *Administrative Penalty Law* (Revision Draft) on July 3, 2020, to gather public opinions until August 16, 2020. The Revision Draft still contains the key provisions of the original *Administration Penalty Law*. Hence, definitions and categories of administrative penalty, the authority and jurisdiction, application and procedures, enforcement, and supervision of administrative penalty should not change too much.

Compared to the old *Administration Penalty Law*, the Revision Draft adds several new categories of administrative penalties such as public criticism, lowering qualification levels, prohibition of obtaining licenses, restriction of business activities, cessation of acts and others.

The Revision Draft decentralize the power of the enforcement of the law to the grassroots government levels. Provincial governments may decide that eligible township people's governments and sub-district administrative offices enforce parts of the administrative penalty law. But it is not clear which penalties can be transferred to the grassroots governments an which cannot. However, the level of control and mistrust will likely increase given this unclear distribution of power.

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