

New Laws in China in 2019 and early 2020

Law	Relevance for Foreign Investors	Issuing Authority	Concerned Area	Entry into Force	Shorthand Content
New Implementation Regulations for Individual Income Tax Law	★★★★	Tax Office	Tax law	01.01.2019	Please refer to Wenfei Publications: China Legal Briefing* 270
Provisions on the Administration of Investments in the Automotive Industry	★★★★	National Development and Reform Commission	Departmental rules	01.01.2019	Please refer to Wenfei Publications: China Legal Briefing* 270
Administrative Regulations on Blockchain Information Services	★★★	Internet Safety Administration Office	Internet law	15.02.2019	Please refer to Wenfei Publications: China Legal Briefing* 271

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<p>Announcement on Relevant Individual Income Tax Policies Regarding Non-Resident Individuals and Resident Individuals Who Are Not Domiciled in China</p>	<p>★★★★★</p>	<p>Finance Ministry</p>	<p>Tax regulation</p>	<p>14.03.2019</p>	<p>Please refer to Wenfei Publications: China Legal Briefing* 272</p>
<p>Provisions on Several Issues Relating to Application of the Enterprise Bankruptcy Law</p>	<p>★★★★★</p>	<p>Supreme People's Court</p>	<p>Bankruptcy law</p>	<p>28.03.2019</p>	<p>Please refer to Wenfei Publications: China Legal Report (April 2019)</p>
<p>Announcement on Policies for Deepening the VAT Reform</p>	<p>★★★</p>	<p>Tax Administration</p>	<p>Tax law</p>	<p>01.04.2019</p>	<p>For VAT at an existing applicable rate of 16% or 10%, the applicable VAT rate is adjusted to 13% or 9% respectively. For VAT at 16%, the export refund rate is adjusted to 13%. For VAT at 10%, the export refund rate is adjusted to 9%.</p>

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<p>Notice of the Smooth Transition after Cancellation of the Administrative Licensing of Enterprise Name Pre-approval</p>	<p>★★★★★</p>	<p>State Administration for Market Regulation</p>	<p>Administrative regulation</p>	<p>01.04.2019</p>	<p>Please refer to Wenfei Publications: China Legal Briefing*271</p>
<p>Directory of Activity Sectors, Project Catalog, and List of Industrial Supervisory Authorities for Foreign Nongovernmental Organizations</p>	<p>★★★★</p>	<p>The Ministry of Public Security</p>	<p>Public security law</p>	<p>29.04.2019</p>	<p>Please refer to Wenfei Publications: China Legal Briefing* 273</p>
<p>Further Opening Up of the Banking and Insurance Industries for Foreign Investments (Announcement)</p>	<p>★★★</p>	<p>China Banking and Insurance Regulatory Commission</p>	<p>Finance law</p>	<p>01.05.2019</p>	<p>Please refer to Wenfei Publications: China Legal Briefing* 272</p>

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China will introduce Unreliable Entity List Regime (Announcement)	☆☆☆	Commerce Ministry	Company law	31.05.2019	Please refer to Wenfei Publications: China Legal Briefing* 273
Reform Plan for Accelerating the Improvement of the Market Player Exit System	☆☆☆☆	National Development and Reform Commission	Company law	22.06.2019	Please refer to Wenfei Publications: China Legal Briefing* 275
Provisions on Equity Administration of Securities Companies	☆☆☆	China Securities Regulatory Commission	Security law	05.07.2019	Please refer to Wenfei Publications: China Legal Briefing* 275
Commercial Bank Equity Custody Measures	☆☆☆	China Banking and Insurance Regulatory Commission	Banking law	12.07.2019	Please refer to Wenfei Publications: China Legal Briefing* 275

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Administrative Measures on Name List of Business Creditworthiness Joint Punishment Targets	★★★★★	Finance Ministry	Company law	17.07.2019	Please refer to Wenfei Publications: China Legal Briefing* 276
11 New Measures for Further Opening of Financial Industry	★★★★	Finance ministry	Finance law	20.07.2019	Please refer to Wenfei Publications: China Legal Briefing* 275
Special Administrative Measures (Negative List) for Admission of Foreign Investment	★★★★★	National Development and Reform Commission, Ministry of Commerce	Foreign investment	30.07.2019	Please refer to Wenfei Publications: China Legal Report (September 2019)
Administration of Concentrated Examinations on Patent Applications	★★★	Finance Ministry	Patent law	30.08.2019	Please refer to Wenfei Publications: China Legal Briefing* 276

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Administration Measures on Medical Supplies	★★★★★	National Health Commission	Medical law	01.09.2019	Please refer to Wenfei Publications: China Legal Briefing* 273
Interim Provisions on Prohibition of Monopoly Agreements	★★★★★	State Administration for Market Regulation	Anti-monopoly law	01.09.2019	Please refer to Wenfei Publications: China Legal Briefing *274
Interim Provisions on Curbing Abuse of Administrative Power to Exclude or Restrict Competition	★★★★★	State Administration for Market Regulation	Anti-monopoly law	01.09.2019	Please refer to Wenfei Publications: China Legal Briefing *274
Interim Provisions on Prohibition of the Abuse of Market Dominance	★★★★★	State Administration for Market Regulation	Anti-monopoly law	01.09.2019	Please refer to Wenfei Publications: China Legal Briefing *274

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Administrative Measures on Information Disclosure for Publicly Offered Securities Investment Funds	☆☆☆	China Securities Regulatory Commission	Securities law	01.09.2019	The Measures regulate several requirements of information disclosure for the obligors of securities funds, including fund managers, fund custodians, holders of fund units and so on.
SAFE Scraps Investment Quota Restrictions for QFII and RQFII	☆☆☆☆☆	Foreign exchange administration	Foreign exchange law	10.09.2019	Please refer to Wenfei Publications: China Legal Report (October 2019)
Administrative Measures For The Identity Authentication for Exit and Entry Certificates	☆☆☆	National Immigration Administration	Public security law	11.09.2019	Please refer to Wenfei Publications: China Legal Briefing* 277
Decision on Amendment of the Administrative Regulations on Foreign-funded Insurance Companies and Banks	☆☆☆☆☆	State council	Foreign investment Law Banking and Insurances	30.09.2019	Please refer to Wenfei Publications: China Legal Briefing* 277

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<p>Opinions on Further Proper Utilization of Foreign Investment</p>	<p>★★★★★</p>	<p>State Council</p>	<p>Foreign investment law</p>	<p>30.10.2019</p>	<p>Please refer to Wenfei Publications: China Legal Briefing* 277</p>
<p>Arrangement Concerning Mutual Assistance In Court-ordered Interim Measures in Aid of Arbitral Proceedings by the Courts of the Mainland and of the Hong Kong Special Administrative Region</p>	<p>★★★★★</p>	<p>Supreme People's Court</p>	<p>Judicial Interpretation</p>	<p>01.10.2019</p>	<p>Please refer to Wenfei Publications: China Legal Briefing *274</p>
<p>Administrative Measures on Sampling Inspections for Food Safety</p>	<p>★★★</p>	<p>State Administration for Market Regulation</p>	<p>Food law</p>	<p>01.10.2019</p>	<p>The new legislation lists the 8 important types of products that require sampling inspection for food safety.</p>

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12 Measures to Facilitate Cross-border Trade and Investment	★★★★★	State Administration Of Foreign Exchange (SAFE)	Trade Law	23.10.2019	The Notice puts forward 12 measures to optimize foreign exchange management and to create a more favorable framework for market players who are operating a foreign exchange business.
Revised Trademark Law	★★★★★★	Standing Committee of the National People's Congress	Trademark Law	01.11.2019	Please refer to Wenfei Publications: China Legal Briefing* 272
Announcement on Adjusting the Regulatory Mode for the Weight Appraisal of Imported Bulk Commodities	★★★	General Administration of Customs	Customs law	01.11.2019	The current practice of carrying out the weight appraisal of imported bulk commodities batch by batch by the Customs is adjusted to the mode where the Customs will carry out the appraisal upon the application of an enterprise.
Notice on Matters Relating to Further Facilitating Investment in Interbank Bond Market by Overseas Institutional Investors	★★★★★★	People's Bank of China, State Administration of Foreign Exchange	Foreign exchange law	15.11.2019	Please refer to Wenfei Publications: China Legal Briefing* 276

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Revised Pharmaceutical Administration Law	☆☆☆	Standing Committee of the National People's Congress	Drug law	01.12.2019	The revised law stipulates the strictest standards and toughest measures in supervision over the whole process of the industry chain, including the research and development, manufacturing, sales, use and management of drugs.
Implementing Regulation for the Food Safety Law	☆☆☆☆	State Council	Food law	01.12.2019	The regulation requires governments above county levels to establish a uniform and authoritative supervision mechanism to enhance regulatory capacity building. In addition, the regulation put in place a system to blacklist serious perpetrators and a joint punishment system for discredited enterprises.
Regulation on the Optimization of Business Environment	☆☆☆☆	State Council	Company law	01.01.2020	Please refer to Wenfei Publications: China Legal Briefing* 277

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Draft Regulation on Implementing the Foreign Investment Law	★★★★	State Council	Foreign investment law	01.01.2020	The highlight of the whole draft regulation is to ensure equal treatment for domestic and foreign companies and attract foreign investment.
Foreign Investment Law	★★★★★	Standing Committee of the National People's Congress	Foreign investment law	01.01.2020	Please refer to Wenfei Publications: China Legal Report (August 2019)
Cryptography Law	★★★★	Standing Committee of the National People's Congress	Cryptography Law	01.01.2020	The Law divides encryption into three categories: core, common encryption (for state secrets) and commercial encryption and it mainly regulates commercial crypto products. The law welcomes foreign providers of commercial encryption. Together with cyber security Law and associated regulations, the law provided a set of rather detailed compliance requirements to relevant entities. But further implementation rules are expected.

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<p>Land Administration Law of the People's Republic of China</p>	<p>☆☆☆</p>	<p>Standing Committee of the National People's Congress</p>	<p>Property Law</p>	<p>01.01.2020</p>	<p>The new law clearly defines various types of land by the purpose of land use, specifying requirements for meeting agricultural development and rural infrastructure. The Chinese legislators have adopted experience from ongoing rural land reform and practice, into the new law, to let the market playing a bigger rule.</p>
<p>Announcement of the State Taxation Administration on Matters Concerning Tax Credit Restoration</p>	<p>☆☆☆☆</p>	<p>State Tax Administration</p>	<p>Tax Law</p>	<p>01.01.2020</p>	<p>Under this new announcement, corporate taxpayers, who are under the tax credit system in China are going to have opportunities (when certain conditions are met) to apply for tax credit restoration by correcting their previous tax irregularities and making credit commitments.</p>

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Measures for the Administration of Non-resident Taxpayers' Enjoyment of Treaty Benefits



State Tax Administration

Tax Law

01.01.2020

The new measures streamlined the application procedure for a taxpayer who claims the treaty benefits. A higher threshold is placed on non-resident taxpayers so they make an accurate self-assessment during the application process or potentially face increased legal liabilities. These changes will greatly reduce the reporting burden of non-resident taxpayers.

Interim Provisions on the Administration of Recall of Consumer Goods



State Administration for Market Regulation

Protection of Consumer Rights and Interests

01.01.2020

Compared to the previous measures, the provisions provide a more comprehensive and forceful recall protection regime of consumer goods. Foreign invested manufactures should understand and implement the stricter requirements stipulated in the provisions, further strengthen quality control, and establish risk management systems to prevent legal risks in consumer products recalls.

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Guide for the Labeling of Warning Signal Words on Dietary Supplements



State Administration for Market Regulation

Food Hygiene Health Care

01.01.2020

Warning statements and complaint hotline etc. information shall be marked on the Chinese labels of health foods which imported food also shall comply. By implementing the guideline, the regulators aim to raise awareness of Chinese consumers and make it easier to distinguish health foods from normal foods and drugs.

Interim Measures for the Administration of Product Quality Supervision by Random Inspection



State Administration for Market Regulation

Product Quality Supervision

01.01.2020

It stipulates comprehensive measures on random checks to enhance regulation efficiency on quality control, authorities will increase the frequency of inspection of companies with records of producing inferior-quality products

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Measures for the Administration of Imported Medicinal Materials



State Administration
for Market
Regulation

Pharmaceutical
Administration;

01.01.2020

The measures are drafted in accordance with the import process of medicinal materials, including application and approval, registration, port inspection, supervision and management, etc. The measures stipulate a decentralizing approval authority and administration system by categories and traceability. The measures are expected to facilitate applicants and strengthen the quality management of imported medicinal materials.

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Please note that the list "New Laws in China 2019 and early 2020" serve information purposes only. For legal advice please contact one of our lawyers.