



# NEWSLETTER 2020 4TH QUARTER 2020年四季度期刊

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## 区域全面经济伙伴关系协定（RCEP）正式签署，标志全球最大自贸区诞生

### Asia-Pacific countries sign RCEP agreement, launch world's biggest free trade bloc

区域全面经济伙伴关系协定（RCEP）15日在东亚合作领导人系列会议期间正式签署，标志着世界上人口数量最多、成员结构最多元、发展潜力最大的自贸区诞生。

协定由东盟10国发起，邀请中国、日本、韩国、澳大利亚、新西兰等对话伙伴国参加，旨在通过削减关税及非关税壁垒，建立一个统一市场的自由贸易协定。协定15个成员国将涵盖全球约23亿人口，占全球人口、GDP总和及贸易总额的30%。谈判于2012年11月正式启动，涉及中小企业、投资、经济技术合作、货物和服务贸易等十多个领域；经过3次领导人会议、19次部长级会议，28轮正式谈判。

国务院总理李克强出席第四次区域全面经济伙伴关系协定领导人会议。李克强在发言中表示，RCEP的签署“是多边主义和自由贸易的胜利”。

The Regional Comprehensive Economic Partnership (RCEP) agreement was signed among its 15 participating countries on 15th November, launching the world's biggest free trade bloc.

Participating countries include the 10 member countries of the Association of Southeast Asian Nations and China, Japan, South Korea, Australia and New Zealand.

The 15 participating countries of the RCEP account for around 30 percent of the global population, global gross domestic product and global trade. The signing came after more than 30 rounds of negotiation, which was launched in November 2012, as well as a number of specific leaders and ministerial meetings between the participating countries.

The signing of the RCEP is "a victory of multilateralism and free trade," Chinese Premier Li Keqiang said.

## 中国设立10个进口贸易促进创新示范区

### China to set up 10 demonstration zones on import promotion

11月4日，商务部、国家发展改革委、财政部等9部门和单位宣布，我国决定设立10个进口贸易促进创新示范区。

商务部外贸司司长李兴乾介绍，10个进口贸易促进创新示范区分别是上海市虹桥商务区、辽宁省大连金普新区、江苏省昆山市、浙江省义乌市、安徽省合肥经济技术开发区、福建省厦门湖里区、山东省青岛西海岸新区、广东省广州南沙区、四川省天府新区和陕西省西安国际港务区。10个示范区覆盖东中西部和东北地区，体现中国进口发展的动力和潜能。

李兴乾强调，未来期望利用三至五年时间，培育一批监管制度创新、服务功能齐全、交易模式灵活的进口示范区，推动中国进口规模稳步扩大、结构不断优化。着眼于新一轮高水平对外开放，商务部将持续实施一系列政策举措，推动扩大先进技术、设备和服务进口，支持改善民生相关产品的进口，支持发展进口新业态，优化进口商品营销模式，提高监管便利化水平。

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## 中国设立10个进口贸易促进创新示范区（续）

### China to set up 10 demonstration zones on import promotion (con't)

China will establish 10 demonstration zones to promote imports, authorities announced on 4th November.

Tasked with promoting trade and facilitating innovation in trade, the zones will be set up in Shanghai, Liaoning, Jiangsu, Zhejiang, Anhui, Fujian, Shandong, Guangdong, Sichuan and Shaanxi, said Li Xingqian, an official with the Ministry of Commerce.

In the next three to five years, China will foster a number of import demonstration zones with innovative regulatory systems, complete service functions, and flexible trade models to steadily expand China's imports and optimize its import structure. The ministry will continue to implement a series of policies to promote the import of advanced technologies, equipment and services as well as products related to improving people's livelihood, Li said.

## 十四部委联合出台扩内需促消费19条措施

### Authorities Jointly Issue 19 Measures for Expanding Domestic Demand and Promoting Consumption

国家发展和改革委员会等十四部门联合印发《近期扩内需促消费的工作方案》（下称《方案》）。

《方案》共分四大方面、19条具体措施，覆盖了线上消费、服务消费、实物消费、制造业等消费重点领域。其中，《方案》规定，在保证医疗安全和质量前提下，将慢性病互联网复诊费用纳入医保支付范围；降低个人线上创业就业成本；鼓励京津冀等增加旅游一卡通发行力度；老旧小区居民可提取公积金用于加装电梯；降低5G基站运行电费成本。

同时，《方案》要求，落实好2020年版外商投资准入负面清单。扩大鼓励外商投资产业目录。制定出台2020年版海南自由贸易港外商投资准入负面清单。《方案》还提出，鼓励增加制造业中长期贷款和信用贷款，加大对民营企业、小微企业和外资企业的支持力度。

14 departments including the National Development and Reform Commission ("NDRC") have jointly issued the Work Scheme for the Recent Expansion of Domestic Demand and Promotion of Consumption (the "Scheme").

The Scheme, which is composed of four parts and specifies 19 concrete measures, covers major fields such as online consumption, service consumption, consumption in kind, and the manufacturing sector. In particular, the Scheme stipulates that, on the premise of guarantee of medical security and quality, the expenses of online follow-up consultations for chronic diseases shall be included into the scope of medical insurance payment; individuals' costs of online entrepreneurship and employment shall be cut; the Beijing-Tianjin-Hebei Region and other places shall be encouraged to issue more all-purposes cards in tour; residents of old communities may withdraw housing provident funds to install elevators; and, operation electricity charges of 5G base stations shall be reduced.

Meanwhile, the Scheme requires that the negative list of access of foreign investment of 2020 version shall be implemented effectively. The directory of encouraged industries for foreign investment shall be expanded. The negative list of access of foreign investment for Hainan Free Trade Port of 2020 version shall be formulated and issued. The Scheme also proposes to increase medium and long-term loans and credit loans for the manufacturing sector, and intensify supports for private enterprises, small and micro enterprises and foreign-funded enterprises.

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## 三部门发布因新冠肺炎疫情不可抗力出口退运货物税收规定

### Three Departments Issue Tax Provisions on Returned Exports Due to Force Majeure Caused by COVID-19

财政部等三部门近日印发《关于因新冠肺炎疫情不可抗力出口退运货物税收规定的公告》。

《公告》主要规定包括：一、对自2020年1月1日起至2020年12月31日申报出口，因新冠肺炎疫情不可抗力原因，自出口之日起1年内原状复运进境的货物，不征收进口关税和进口环节增值税、消费税，出口时已征收出口关税的，退还出口关税。二、对符合第一条规定的货物，已办理出口退税的，按现行规定补缴已退（免）增值税、消费税税款。三、自本《公告》发布之日起，符合第一条规定的退运货物申报进口时，企业向海关申请办理不征税手续的，应当事先取得主管税务机关出具的出口货物已补税（未退税）证明。四、自2020年1月1日起至本《公告》发布之日，符合第一条规定的退运货物已征收的进口关税和进口环节增值税、消费税，依企业申请予以退还。

The Ministry of Finance ("MOF") and other two departments have recently issued the Announcement on Tax Provisions on Returned Exports Due to Force Majeure Caused by the Novel Coronavirus Pneumonia (COVID-19) Epidemic (the "Announcement").

The main provisions of the Announcement are as follows: 1. For goods that are declared for export from January 1, 2020 to December 31, 2020, and that are re-transported into China in the original state within one year from the date of export due to force majeure caused by the novel coronavirus pneumonia (COVID-19) epidemic, no import duties, import value-added tax (VAT) or consumption tax will be levied. If export duties have been levied during export, the export duties will be refunded. 2. If export tax refund has been processed for goods meeting provisions of Article 1, the refunded (exempted) VAT and consumption tax shall be supplemented in accordance with current provisions. 3. From the date of issuance of the Announcement, when the returned goods meeting the provisions of Article 1 are declared for import, if the relevant enterprise applies to the customs for not paying tax, it shall obtain in advance a certificate of tax supplement (no tax refund) for exports issued by the competent tax authority. 4. From January 1, 2020 to the date of issuance of the Announcement, the import duties and import VAT and consumption tax that have been levied on returned goods meeting the provisions of Article 1 shall be refunded at the request of enterprises.

## 工信部同意设立“一带一路”（青岛）中小企业合作区

### One belt, one road (Qingdao) SME Cooperation Zone is agreed to by the Ministry of industry and information technology

11月18日，为深入推进“一带一路”合作倡议，全面贯彻落实中办、国办《关于促进中小企业健康发展的指导意见》，工业和信息化部同意设立“一带一路”（青岛）中小企业合作区。

合作区的设立将有利于深入推进供给侧结构性改革，探索与“一带一路”沿线国家中小企业产业合作的新模式、新途径、新举措，鼓励和支持中小企业产品、技术、品牌、服务走出去，积极引进先进技术、资金、管理经验和高素质人才，对推动区域中小企业实现高质量发展、参与“一带一路”建设具有重要意义。

The Ministry of industry and Commerce agreed on November 18th to set up a "one belt, one road" (Qingdao) SME Cooperation Zone.

The establishment of the SME Cooperation Zone will help further the structural reform of the supply side, explore new modes, new ways and new measures for the industrial cooperation between the small and medium-sized enterprises along the "one belt, one road", encourage and support the SMEs to promote their products, technologies, brands and services, and actively introduce in advanced technology, capital, management experience and high quality talents, so as to promote the high-quality development of the regional SMEs.

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## 《出口管制法》获通过 2020年12月1日起施行 Export Control Law Adopted, to Take Effect on December 1, 2020

第十三届全国人民代表大会常务委员会第二十二次会议通过《中华人民共和国出口管制法》（下称《出口管制法》），自2020年12月1日起施行。

《出口管制法》包括总则，管制政策、管制清单和管制措施，监督管理，法律责任，附则五章。其中，关于出口管制范围，《出口管制法》一是确保管制物项全覆盖，并明确管制物项包括物项相关的技术资料等数据；二是确保管制主体和行为全覆盖，从我国境内向境外转移管制物项，以及中国公民、法人和非法人组织向外国组织和个人提供管制物项，均受本法约束。关于对等采取措施，《出口管制法》提出，任何国家或者地区滥用出口管制措施危害我国国家安全和利益的，我国可以根据实际情况对该国家或者地区对等采取措施。《出口管制法》还对出口管制清单、临时管制和全面管制，出口经营资格和出口许可制度，最终用户和最终用途管理等方面作了详细规定。

The Export Control Law of the People's Republic of China (the "Export Control Law") has recently been adopted at the 22nd session of the Standing Committee of the 13th National People's Congress ("NPC") and shall take effect on December 1, 2020.

The Export Control Law consists of five chapters, namely, general provisions, control policies, control lists and control measures, supervision and administration, legal liability, and supplementary provisions. In particular, with regard to the scope of export control, the Export Control Law covers two parts: the first is to ensure full coverage of controlled items and clarify that the controlled items include such data as the technical data relevant to controlled items; the second is to ensure full coverage of subjects subject to the export control and behaviors thereof, and ensure that controlled items transferred to foreign countries from China and controlled items provided by Chinese citizens, legal persons and unincorporated organizations to foreign organizations and individuals are governed by the Export Control Law. Regarding reciprocal measures, the Export Control Law proposes that where any country or region abuses export control measures to endanger China's national security and interests, China may take reciprocal measures against that country or region based on actual conditions. The Export Control Law also sets out detailed provisions on such aspects as export control lists, temporary controls and comprehensive controls, export business qualifications and export licensing systems, and management of final users and end-use application.

## 上海发布《经营者竞争合规指南》地方标准 Shanghai publishes the local standard of "operator competition compliance guide"

《经营者竞争合规指南》上海市地方标准12月1日公布，这是全国首个引导企业全方位开展竞争合规建设的推荐性地方标准，将于2021年3月1日起实施。

《经营者竞争合规指南》给企业提供系统性指导，贯穿生产经营全过程。建议企业建立体系化的竞争合规机制，从文化培育、培训、高层审核、层层责任落实、加强审核和风险识别与评估、建立内部发现机制等角度全方位着手，从PDCA（指质量管理的四个阶段）角度把竞争合规能力提升上升到系统规划、持续改进的通盘考虑。同时，与企业现行标准“兼容”，鼓励建立竞争合规体系。

On December 1, Shanghai released the first local standard of "operator competition compliance guide" to guide enterprises' compliance competition, which will be effective from March 1, 2021.

Focusing on the whole process of enterprise production and operation, the "guide for operators' competition compliance" stipulates the basic requirements for operators to participate in market competition according to the relevant provisions of the anti-monopoly law, including requirements for leadership, organization, process, guarantee, evaluation and improvement, and is applicable to all kinds of operators to carry out competition compliance management.



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### 商务部修订出台《外商投资企业投诉工作办法》

#### MOFCOM Revises and Issues Measures for Work on Complaints from Foreign-invested Enterprises

商务部近日公布修订后《外商投资企业投诉工作办法》（下称《办法》），自2020年10月1日起施行。

《办法》具体内容如下：一是拓宽投诉事项范围。二是健全投诉工作机制。三是明晰投诉工作规则。四是加大权益保护力度。其中，《办法》提出，在中央层面，建立外商投资企业投诉工作部际联席会议制度，设立全国外资投诉中心；在地方层面，县级以上地方政府应当指定有关部门或者机构负责本地区投诉工作。为做好中央和地方投诉工作，《办法》对投诉工作的档案管理、情况上报、定期督查、权益保护建议书等制度作了详细规定。《办法》还规定投诉不影响投诉人依法提起行政复议和行政诉讼的权利；要求投诉工作机构采取有效措施保护投诉人的商业秘密、保密商务信息和个人隐私；任何单位和个人不得压制和打击报复投诉人。

The Ministry of Commerce ("MOFCOM") has recently announced the revised Measures for the Work on Complaints from Foreign-invested Enterprises (the "Measures") for implementation as of October 1, 2020.

The specific contents of the Measures are as follows: 1. the scope of complaints is broadened. 2. The complaint work mechanism is improved. 3. The complaint work rules are clarified. 4. The protection of rights and interests is enhanced. Among others, the Measures put forward that it is necessary to establish an inter-ministerial joint conference system for the work on complaints from foreign-invested enterprises at the central level, and set up a National Complaint Center for Foreign-invested Enterprises; at the local level, local governments at or above the county level should designate the relevant departments or agencies to be in charge of handling local complaints. In order to effectively handle the work on complaints at the central and local levels, the Measures stipulate in details the systems for file management, information reporting, regular supervision and inspection, and rights and interests protection proposals in respect of complaint work. The Measures also stipulate that the filing of a complaint by the complainant shall not prejudice the complainant's right to apply for administrative reconsideration or file an administrative lawsuit; complaint handling agencies are required to take effective measures to protect the complainants' trade secrets, confidential commercial information and individual privacy; and no entity or individual may suppress or retaliate any complainant.