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## 法律法规简报 2024-03-31

### Legal Update 2024-03-31

#### 目录

#### Contents

- ◆ [三部门印发新版海南自贸港鼓励类产业目录](#)  
**Three Authorities Jointly Release the New Catalog of Encouraged Industries in the Hainan Free Trade Port**
- ◆ [国家网信办公布《促进和规范数据跨境流动规定》](#)  
**CAC Announces the Regulations on Promoting and Regulating Cross-Border Data Flow**
- ◆ [大连商品交易所业务规则变动](#)  
**Amendments to Measures of DCE**
- ◆ [上海期货交易所和上海国际能源交易中心拟修订做市业务规则](#)  
**SHFE and INE Intend to Revise Market-Making Management Rules**

#### 一、三部门印发新版海南自贸港鼓励类产业目录 2024.3.1

#### Three Authorities Jointly Release the New Catalog of Encouraged Industries in the Hainan Free Trade Port

日前，国家发展和改革委员会等三部门发出《海南自由贸易港鼓励类产业目录（2024 年本）》（下称《目录》），自 2024 年 3 月 1 日起施行。  
Recently, three authorities led by the National Development and Reform Commission (NDRC) released the *Catalog of Encouraged Industries in the Hainan Free Trade Port (2024 Edition)* (the “Catalog”), which will be effective from March 1, 2024.



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《目录》继续沿用“全国性现有目录+地区性新增目录”的体例结构。“全国性现有目录”包括《产业结构调整指导目录（2024 年本）》和《鼓励外商投资产业目录（2022 年版）》中的鼓励类产业，均按最新版本执行。“地区性新增目录”根据近年来目录实施情况和海南实际需要，聚焦旅游业、现代服务业、高新技术产业等重点产业，作了进一步修改完善，共包含 14 个大类行业、176 个条目，与上一版本相比条目增加 33 条，新增的内容主要集中在文化旅游、新能源、医药健康、航空航天、生态环保等领域。

The *Catalog* continues to adopt the style and structure of “existing national catalogs + new regional catalog”. The “existing national catalogs” part includes encouraged industries from the *Guiding Catalog for Industrial Restructuring (2024 Edition)* and the *Catalog of Encouraged Industries for Foreign Investment (2022 Edition)*, both to be implemented based on the latest versions. The “new regional catalog” part focuses on key industries such as tourism, modern services, and high-tech industries based on the implementation of the catalog over the recent years and the actual needs in the province, while making further modifications and improvements. This part comprises a total of 176 items under 14 main industry categories, increased by 33 items compared to the previous version. The added content is mostly concentrated in areas such as cultural tourism, new energy, pharmaceuticals and health, aerospace, and ecological environment protection.

(Source:

[http://www.ndrc.gov.cn/xxgk/zcfb/ghxwj/202403/t20240301\\_1364306.html](http://www.ndrc.gov.cn/xxgk/zcfb/ghxwj/202403/t20240301_1364306.html))

## 二、国家网信办公布《促进和规范数据跨境流动规定》 2024.3.22 CAC Announces the Regulations on Promoting and Regulating Cross-Border Data Flow

3 月 22 日，国家互联网信息办公室公布《促进和规范数据跨境流动规定》（以下简称《规定》），自公布之日起施行。

On March 22, the Cyberspace Administration of China (CAC) announced the *Regulations on Promoting and Regulating Cross-Border Data Flow* (the “*Regulations*”), which came into effect from the date of promulgation.



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《规定》主要对下列内容进行了规定：一是明确重要数据出境安全评估申报标准。二是明确免于申报数据出境安全评估、订立个人信息出境标准合同、通过个人信息保护认证的数据出境活动条件。三是设立自由贸易试验区负面清单制度。四是调整应当申报数据出境安全评估、订立个人信息出境标准合同、通过个人信息保护认证的数据出境活动条件。五是延长数据出境安全评估结果有效期，增加数据处理者可以申请延长评估结果有效期的规定。

The *Regulations* mainly stipulate the following: First, clarifying the standards for the declaration of security assessments for the export of important data. Second, specifying the conditions under which data export activities are exempt from the declaration of data export security assessments, the establishment of standard contracts for personal information export, and the export of personal information through personal information protection certification. Third, establishing a negative list system for free trade pilot zones. Fourth, adjusting the conditions for declaring data export security assessments, establishing standard contracts for personal information export, and the export of personal information through personal information protection certification. Fifth, extending the validity period of the results of data export security assessments and adding provisions allowing data processors to apply for an extension of the validity period of the assessment results.

(Source: [https://www.cac.gov.cn/2024-03/22/c\\_1712776612187994.htm](https://www.cac.gov.cn/2024-03/22/c_1712776612187994.htm))

### 三、大连商品交易所业务规则变动

2024.3.18-3.21

#### Amendments to Measures of DCE

大连商品交易所于 2024 年 3 月 18 日公布《关于修改〈大连商品交易所交易管理办法〉的公告》，自公布之日起施行。

On March 18, 2024, the Dalian Commodity Exchange (DCE) announced the *Notice on the Amendments to the Measures for Trading Management of DCE*, which came into effect from the date of promulgation.

第三十五条由“交易所应当及时发布以下与交易有关的信息：（一）开盘价。开盘价是指某一期货合约开市前五分钟内经集合竞价产生的成交价。开盘集合竞价未产生成交价的，以开市后竞价交易第一笔成交价为开盘价。第一笔成交价按照本办法第四十三条或者第四十五条规定确定。”修改为“交易所应当及时发布以下与交易有关的信息：（一）开盘价。开盘价是指某一期货合约开市前五分钟内经集合竞价产生的成交价。开盘集合竞价未产生成交价的，



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以开市后竞价交易第一笔成交价为开盘价。第一笔成交价按照本办法第四十条或者第四十六条规定确定。”

Article 35 has been amended from the wording “the Exchange shall timely release the following information related to the trading: (1) Opening Price. In respect of a certain futures contract, the opening price means the trade price generated from the call auction within five (5) minutes prior to the market-opening. In case no trade price is generated from the opening call auction, the first trade price after the market opens shall be the opening price. The first trade price shall be determined pursuant to Article 4344 or 4546 of the Measures;” to the new wording, “The Exchange shall timely release the following information related to the trading: (1) Opening Price. In respect of a certain futures contract, the opening price means the trade price generated from the call auction within five (5) minutes prior to the market-opening. In case no trade price is generated from the opening call auction, the first trade price after the market opens shall be the opening price. The first trade price shall be determined pursuant to Article 4344 or 4546 of the Measures;”

新增第四十条：“限价指令和限价止损（盈）指令可以附加小节有效指令属性。小节有效指令属性是指该指令只在本交易小节有效，本小节结束后，未成交部分立即撤销的指令属性。”

Additionally, a new Article 40 has been added, stating, “The limit order and the stop limit order may be attached with the characteristic of GIS (Good in Session), which refers to that the order will only be active for the current trading session, and any portion of the order not executed will be canceled promptly after the end of the session.”

(Source:

<http://www.dce.com.cn/dalianshangpin/ywfw/jystz/ywtz/8595707/index.html>)

大连商品交易所于 2024 年 3 月 21 日公布《关于修改<大连商品交易所结算管理办法>的公告》，自公布之日起施行。

On March 21, 2024, the DCE announced the *Notice on Amendments to the Measures for Clearing Management of DCE*, which came into effect from the date of promulgation.

第三章日常结算新增第五十八条：“非期货公司会员、境外特殊非经纪参与者和客户可以申请对其同一交易编码下的双向期货持仓进行对冲平仓。对冲结果从当日期货持仓量中扣除，并计入成交量。申请时间和具体方式由交易所另行公布。”



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A new Article 58 in Chapter III Routine Clearing has been added, stating, “The Non-Futures Company Member, the OSNBP or the client may apply for hedging liquidation of the bilateral futures positions under the same trading code. The hedging result shall be deducted from the futures' open interest of the then-current day and shall be calculated into the trading volume. The time and specific methods for such application shall be promulgated by the Exchange separately.”

(Source:

<http://www.dce.com.cn/dalianshangpin/ywfw/jystz/ywtz/8596081/index.html>)

#### 四、上海期货交易所和上海国际能源交易中心拟修订做市商业规则 2024.3.21 SHFE and INE Intend to Revise Market-Making Management Rules

上海期货交易所和上海国际能源交易中心于 2024 年 3 月 21 日公告拟修订《上海期货交易所做市商管理办法》和《上海国际能源交易中心做市商管理细则》，并向社会公开征求意见。

Shanghai Futures Exchange (SHFE) and Shanghai International Energy Exchange (INE) announced intentions to revise the *Market-Making Management Measures of SHFE* and the *Market-Making Management Rules of INE*, respectively. Meanwhile, public opinion is being sought regarding these revisions.

两家交易所均计划将各自规则中的第十九条由“根据协议约定和做市情况，做市商可以享有交易手续费减收等权利”修订为“根据协议约定和做市情况，交易所/上期能源可以给予做市商交易手续费减免、激励等。交易所/上期能源根据做市品种运行等情况设置交易手续费减免、激励标准，并与做市商在协议中约定。”

Both SHFE and INE intend to revise Article 19 of respective rules from the state, “Subject to the provisions of the Agreement and the performance of market-making business, a Market Maker is entitled to such rights as a reduction on transaction fees.” to the new wording, “Subject to the provisions of the Agreement and the performance of market-making business, the Exchange may provide Market Makers with reductions on transaction fees, incentives, etc. The Exchange sets fee reduction and incentive standards based on the operation of market making products and other conditions, and stipulates them in the Agreement with the Market Maker.”

(Source: <https://www.shfe.com.cn/news/notice/911404404.html>)

<https://www.shfe.com.cn/news/notice/911404402.html>)



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