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## 法律法规简报 2024-05-29

### Legal Update 2024-05-29

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**一、上期所公布《上海期货交易所集团交割业务管理办法》 2024.5.13**  
**SHFE Issues Group Delivery Management Rules of the Shanghai Futures Exchange**

日前，上海期货交易所发出《上海期货交易所集团交割业务管理办法》（下称《办法》），自 2024 年 5 月 13 日起实施。

The Shanghai Futures Exchange (SHFE) has recently released the *Group Delivery Management Rules of the Shanghai Futures Exchange* (the “Rules”), with effect on May 13, 2024.



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《办法》引入交割库的母公司作为集团交割中心成立集团交割库，并对集团交割中心及其他集团成员的申请条件、申请材料、设立程序以及具体业务管理等事项进行了规定，通过集团化管理、运营和合作，为期货商品提供标准仓单等集团交割业务和异地提货等集团交收业务。其中，根据《办法》，集团交割中心应当符合“具有独立的法人资格”、“设立运营满两年”、“财务状况良好，具有较强的抗风险能力，注册资本和净资产均不得低于人民币 1 亿元或者等值外币”等六项条件。

The *Rules* specify that the parent company of the delivery storage facilities may establish group delivery storage facilities as group delivery center. The application conditions, application materials, establishment procedures, specific business management, and other matters regarding group delivery center and other group members are clarified. One or more delivery storage facilities and their associated parties may engage in standard warrants delivery and other types of group delivery business as well as inter-city take-delivery and other types of group commodity delivery business for a futures commodity through group management, operation, and cooperation. According to the *Rules*, a group delivery center shall meet the six requirements, including “being an independent legal person”, “having operated for two years”, and “having sound financial conditions, strong risk resistance capacity, and a registered capital and net assets each of no less than CNY100 million or equivalent foreign currency”.

(Source:

[https://www.shfe.com.cn/publicnotice/notice/202405/t20240513\\_801704.html](https://www.shfe.com.cn/publicnotice/notice/202405/t20240513_801704.html))

## 二、大连商品交易所发布《大连商品交易所“保险+期货”业务管理办》2024.5.13 DCE Releases the Measures for “Insurance + Futures” Business Management of Dalian Commodity Exchange

近日，大连商品交易所网站公布《关于发布〈大连商品交易所“保险+期货”业务管理办法〉的公告》。

Recently, the Dalian Commodity Exchange (DCE) released the *Measures for “Insurance + Futures” Business Management of Dalian Commodity Exchange* (the “*Measures*”) on its website.

《办法》共六章二十一条，明确交易所“保险+期货”业务一般以“项目制”开展，“保险+期货”业务流程包括但不限于：制定方案、发布通知、立



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项申报、立项结果通知、签订协议、项目管理和宣传、结项验收、费用支付、项目总结等环节。交易所在年度工作方案中明确“保险+期货”项目的具体支持方式和支付标准。费用支付标准原则上根据服务对象承担的成本费用确定，包括但不限于保险保费成本和场外期权权利金等，执行中上述成本原则上不得超过工作方案中规定的比例上限或金额上限，且按两者孰低原则支付。

The *Measures* consist of six chapters and 21 articles, specifying that of the Exchange shall generally carry out the “insurance + futures” business under the “project system”, and the business process of “insurance + futures” includes, but not limited to: formulation of program, issuance of notice, approval of project, notification of project result, signing of agreement, project management and publicity, acceptance of project completion, payment of fees, project summary, and so on. In principle, the payment standard shall be determined according to the costs borne by the service recipients, including but not limited to insurance premium costs and OTC option premiums, etc. In principle, the above costs shall not exceed the upper limit of the ratio or the upper limit of the amount stipulated in the work program during the implementation, and the payment shall be made in accordance with the lower of the two.

(Source:

<http://www.dce.com.cn/dalianshangpin/ywfw/jystz/ywtz/8599632/index.html>)

### 三、四部门明确办理证券期货违法犯罪案件工作若干问题

2024.5.20

#### Four Departments Clarify Several Issues Concerning the Handling of Cases Involving Violations and Crimes Related to Securities and Futures

日前，最高人民检察院等四部门印发《关于办理证券期货违法犯罪案件工作若干问题的意见》（下称《意见》）。

The Supreme People's Procuratorate (SPP) has recently released the *Opinions on Several Issues Concerning the Handling of Cases Involving Securities and Futures-related Violations and Crimes* (the “*Opinions*”).

《意见》共七部分 31 条，包括总体要求、行政执法与刑事司法的衔接、刑事案件的管辖等内容。《意见》强调坚持零容忍要求，依法从严打击证券期货违法犯罪活动。《意见》明确坚持依法从严打击，对具有不如实供述罪行或者以各种方式阻碍办案工作，拒不退缴赃款赃物或者将赃款赃物用于非法活动，非法获利特别巨大，多次实施证券期货违法犯罪，造成上市公司退市、投



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资人遭受重大损失、可能引发金融风险、严重危害金融安全等恶劣社会影响或者严重危害后果等情形的犯罪嫌疑人、被告人, 一般不适用相对不起诉、免于刑事处罚和缓刑。

The Opinions, consisting of 31 articles in seven parts, cover the overall requirements, the connection between administrative law enforcement and criminal justice, the jurisdiction of criminal cases, among others. The Opinions emphasize the need to adhere to the zero-tolerance requirement and strictly and lawfully crack down on illegal and criminal activities in securities and futures. The Opinions call for severely and lawfully combating violations and crimes. For criminal suspects and defendants who fail to truthfully confess their crimes or obstruct the handling of cases in various ways, refuse to return stolen money and property, or use stolen money and property for illegal activities, make particularly huge illegal profits, and commit securities and futures violations, thereby causing delisting of listed companies, heavy losses for investors, potential financial risks, serious danger to financial security, and other adverse social impact or serious consequences, relative non-prosecution, exemption from criminal penalties and suspended sentences are generally not applicable.

(Source: [https://www.spp.gov.cn/xwfbh/wsfbt/202405/t20240517\\_654373.shtml](https://www.spp.gov.cn/xwfbh/wsfbt/202405/t20240517_654373.shtml))

#### 四、上海贸促国际商事调解中心成立

2024.5.20

#### Shanghai International Commercial Mediation Center Opens

5月20日, 上海贸促国际商事调解中心(Shanghai International Commercial Mediation Center, SHICMC) 成立。

The Shanghai International Commercial Mediation Center (SHICMC) opened on May 20, 2024.

上海贸促国际商事调解中心由上海国际商会、上海世界贸易中心协会、上海国际经济贸易仲裁委员会(上海国际仲裁中心)、上海市企业联合会、上海金融业联合会、上海市外商投资协会共同发起, 是上海市第一家由市司法局、市民政局联合审批的调解组织。调解中心新版调解员名册共有调解员 161 名, 来自 11 个国家和地区; 新版调解规则于 2024 年 5 月 20 日起施行。

Jointly launched by the Chamber of International Commerce Shanghai, the World Trade Centers Association, Shanghai International Economic and Trade Arbitration Commission (Shanghai International Arbitration Center), Shanghai Enterprise



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Federation, Shanghai Financial Industry Federation and Shanghai Foreign Investment Association, the SHICMC is the first mediation institution approved by the Shanghai Judicial Bureau and the Shanghai Civil Affairs Bureau. Currently, the center boasts a roster of 161 mediators from 11 countries and regions. The new mediation rules took effect on May 20, 2024.

(Source:

<https://www.shiac.org/pc/SHIAC?moduleCode=news&securityId=N90DfwFcqCklPVnzvd23mA>)

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*CILS<sup>®</sup> 2024*