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法律法规简报 2024-06-27

Legal Update 2024-06-27

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- 一、[商务部发布参考借鉴好经验好做法高质量实施 RCEP 的通知](#) 2024.5.30
MOFCOM Issues the Circular on Learning from Good Experiences and Good Practices to Promote High-quality Implementation of the Work Concerning the RCEP



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商务部办公厅发布《关于参考借鉴好经验好做法 高质量实施〈区域全面经济伙伴关系协定〉（RCEP）工作的通知》（下称《通知》）。

The General Office of the Ministry of Commerce (MOFCOM) has issued the *Circular on Learning from Good Experiences and Good Practices to Promote High-quality Implementation of the Work Concerning the Regional Comprehensive Economic Partnership (RCEP)* (the “Circular”).

《通知》从“加强顶层设计，形成统筹推进合力”、“聚焦货物贸易，护航企业用足用好优惠规则”、“推动服务贸易和投资合作，助力企业开拓国际市场”、“营造良好营商环境，助力 RCEP 高质量实施”四个方面作出部署。

《通知》提出，要将高质量实施 RCEP 融入本地发展战略，形成政策合力。《通知》是本地国民经济和社会发展“十四五”规划、高质量推进“一带一路”交汇点建设规划、“十四五”商务高质量发展规划的重要组成部分。同时，商务部还印发加快对接 RCEP 经贸新规则若干措施等文件，发布行动计划及相关支持政策以促进高质量实施 RCEP，深化落实 RCEP 的相关工作。

The *Circular* sets forth the arrangements in four aspects, including “strengthen top-level design to form a synergy in coordination and advancement”, and “focus on trade in goods to help enterprises make full use of preferential rules”, “promote service trade and investment cooperation to help enterprises to broaden international market” and “create a favorable business environment to facilitate the high-quality implementation of RCEP”. The *Circular* calls for integrating the high-quality implementation of the RCEP with local development strategies to force policy synergy. The *Circular* is an crucial part of the local 14th Five-year plan for national economic and social development, the plan for promoting the high-quality development of the intersections for the Belt and Road Initiative, the high-quality commercial planning for the 14th Five-year Plan period. Meanwhile, actions will be taken from MOFCOM to introduce the measures to speed up the alignment with new economic and trade rules under the RCEP and other documents, formulate action plans and support policies for high-quality implementation of the RCEP, and deepen the work concerning the implementation of the RCEP.

(Source:

<http://www.mofcom.gov.cn/article/zwgk/gkgztz/202405/20240503513965.shtml>)

二、多部门印发建立碳足迹管理体系实施方案

2024.6.4

China Issues the Implementation Plan for Establishing a Carbon Footprint Management System



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为加快建立碳足迹管理体系，形成绿色低碳供应链和生产生活方式，推动新质生产力发展，助力实现碳达峰碳中和目标，生态环境部等十五部门于 2024 年 6 月 4 日联合发出《关于建立碳足迹管理体系的实施方案》（下称《方案》）。In order to accelerate the establishment of a carbon footprint management system, form green and low-carbon supply chains and production and living styles, promote the development of new quality productivity, and help realize the goal of carbon peaking and carbon neutrality, the Ministry of Ecology and Environment (MEE) and 14 other authorities have jointly issued *the Implementation Plan for Establishing a Carbon Footprint Management System* (the “Plan”) on 4th of June, 2024.

根据《方案》，到 2027 年碳足迹管理体系初步建立，制定发布与国际接轨的国家产品碳足迹核算通则标准以及 100 个左右重点产品碳足迹核算规则标准；到 2030 年碳足迹管理体系更加完善，应用场景更加丰富。制定并发布更多重点产品碳足迹核算规则标准，覆盖范围广、数据质量高、国际影响力强的产品碳足迹因子数据库基本建成，产品碳足迹标识认证和分级管理制度全面建立，产品碳足迹应用环境持续优化拓展等。据此，《方案》确立建立健全碳足迹管理体系、构建多方参与、推动碳足迹规则国际互信、持续加强产品碳足迹能力建设四个方面主要任务以及相关的保障措施。

According to the *Plan*, by 2027, the carbon footprint management system will be initially established, a general standard for accounting for the carbon footprint of national products that is in line with international standards and the carbon footprint accounting rules and standards covering around 100 key products will be formulated and released. By 2030, it will be further improved with a richer application scenario. The carbon footprint accounting rules and standards covering more key products will be formulated and released, and a product carbon footprint factors database covering a wide range of products, and with high data quality and strong international influence will be basically established. In addition, a system for product carbon footprint labels and certifications as well as graded management will be fully established, with the application environment for product carbon footprints continuously optimized and expanded. To achieve these objectives, the *Plan* establishes four main tasks, including establishing and improving the carbon footprint management system, building a carbon footprint work pattern with participation by multi-stakeholders, promoting international mutual trust in carbon footprint rules, and continuously strengthening capacity building for carbon footprint of products, as well as related safeguard measures.



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(Source:

https://www.mee.gov.cn/xxgk2018/xxgk/xxgk03/202406/t20240604_1074986.htm
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三、国务院公布《公平竞争审查条例》

2024.6.13

The State Council Publishes Regulations on Fair Competition Review

《公平竞争审查条例》已于 2024 年 5 月 11 日国务院第 32 次常务会议通过，将自 2024 年 8 月 1 日起施行。

The *Regulation on Fair Competition Review* (the “*Regulation*”), as adopted at the 32nd executive meeting of the State Council on May 11th, 2024, and shall come into effectiveness on August 1st, 2024.

为了规范公平竞争审查工作，促进市场公平竞争，优化营商环境，建设全国统一大市场，制定《条例》。《条例》共五章 27 条，主要包含了以下内容：第一章总则明确公平竞争审查的范围；第二章审查标准明确公平竞争审查标准及有关方面的职责；第三章审查机制明确相关审查流程；第四章监督保障明确了相关的负责部门以及第五章附则。《条例》提出，起草涉及经营者经济活动的法律、行政法规、地方性法规、规章、规范性文件以及具体政策措施，行政机关和法律、法规授权的具有管理公共事务职能的组织应当依照本条例开展公平竞争审查。《条例》进一步明确，开展公平竞争审查，应当按照本条例规定的审查标准，在评估对公平竞争影响后，作出审查结论。

In order to regulate fair competition review, promote fair market competition, optimize the business environment, and build a unified and large market nationwide, the *Regulation* is developed. The *Regulation*, consisting of 27 articles in five chapters, mainly involves: Chapter I General Provisions clarifying the scope of fair competition review; Chapter II Review Standards clarifying the standards for fair competition review and stipulating the responsibilities to be assumed by relevant parties; Chapter III Review Mechanism specifying fair competition review procedures; Chapter IV Supervision and Guarantee clarifying the responsible department and Chapter V Supplemental Provisions. The *Regulation* stipulates that when drafting laws, administrative regulations, local regulations, rules, regulatory documents, and specific policies and measures involving the economic activities of businesses, administrative organs and organizations authorized by a law or regulation to administer public affairs shall conduct fair competition review in accordance with the provisions of this *Regulation*. The *Regulation* further clarifies that, fair competition review shall be conducted according to the review standards



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prescribed in this *Regulation* and review conclusions shall be made after the impact on fair competition is assessed.

(Source: https://www.gov.cn/zhengce/content/202406/content_6957049.htm)

四、国家药监局拟修订医疗器械临床试验项目检查要点及判定原则 2024.6.13 NMPA to Revise the Inspection Points and Determination Principles for Medical Device Clinical Trial Projects

近日，国家药品监督管理局发出《关于发布医疗器械临床试验项目检查要点及判定原则的公告（征求意见稿）》（下称《征求意见稿》），现公开征求意见，意见反馈截至 6 月 30 日。

Recently, the National Medical Products Administration (NMPA) has issued the *Announcement on the Release of Inspection Points and Determination Principles for Medical Device Clinical Trial Projects (Draft for Comment)* (the “*Draft*”), which is open for public feedback until June 30th, 2024.

根据《征求意见稿》，《医疗器械临床试验项目检查要点》共分为临床试验条件与合规性、受试者权益保障等六个部分，其中将临床试验实施过程细分为受试者筛选入组、临床试验方案执行、安全性信息处理与报告等三个部分，检查要点共计 72 条。《体外诊断试剂临床试验项目检查要点》共分为临床试验条件与合规性、受试者权益保障等七个部分，检查要点共计 55 条。《征求意见稿》要求，对临床试验过程中原始记录和数据进行核实确认，根据检查发现的问题，检查结果按真实性问题、严重不符合要求问题等四项原则判定。According to the *Draft*, the Inspection Points for Medical Device Clinical Trial Projects are divided into six parts, including clinical trial conditions and compliance, protection of subjects' rights and interests, etc. *The implementation process of clinical trials* is further divided into three parts: subject screening and enrollment, execution of the clinical trial protocol, and processing and reporting of safety information, encompassing a total of 72 inspection points. *The Inspection Points for In Vitro Diagnostic Reagent Clinical Trial Projects* are divided into seven parts, including clinical trial conditions and compliance, protection of subject' rights and interests, etc., and a total of 55 inspection points are outlined. The *Draft* requires verification and confirmation of the original records and data during the clinical trial process. Based on the findings from the inspection, the inspection results will be determined according to four principles, including truthfulness issues, serious non-compliance issues, among others.



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(Source:

<https://www.nmpa.gov.cn/directory/web/nmpa////////xxgk/zhqyj/zhqyjylqx/20240613160248156.html>)

五、三部门印发通知：开展质量融资增信 服务实体经济发展 2024.6.15

Three Departments to Carry out Quality-based Financing and Credit Enhancement and Serve the Development of Real Economy

近日，市场监管总局会同中国人民银行、金融监管总局联合发布《关于开展质量融资增信工作更好服务实体经济高质量发展的通知》（下称《通知》）。Recently, the State Administration for Market Regulation (SAMR), together with the People's Bank of China (PBOC) and the General Administration of Financial Supervision (GAFS), have jointly released the *Circular on Carrying out Quality-based Financing and Credit Enhancement to Better Serve the High-quality Development of Real Economy* (the “Circular”).

《通知》旨在切实落实《质量强国建设纲要》“健全覆盖质量、标准、品牌、专利等要素的融资增信体系”部署，引导金融机构运用质量融资增信手段对优质企业特别是中小微企业开展金融服务，更好服务实体经济高质量发展。《通知》强调了开展质量融资增信的重要意义，明确了质量融资增信要素范围，指出了扎实推进质量融资增信重点任务，提出了优化质量融资增信保障措施。

The *Circular* aims to effectively carry out the arrangement of “establishing a financing and credit enhancement system covering factors such as quality, standards, brands, and patents” in the *Outline for Building a Quality Powerhouse*, and guide financial institutions to provide financial services to high-quality enterprises, especially medium, small, and micro enterprises (MSMEs), by using quality-based financing and credit enhancement means, so as to better serve the high-quality development of the real economy. The *Circular* emphasizes the importance of carrying out quality-based financing and credit enhancement, clarifies the scope of relevant factors, stipulates key tasks of quality-based financing and credit enhancement and its supporting measures.



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