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法律法规简报 2024-07-26

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一、自然资源部印发《矿产资源开发利用方案编制指南》 2024.7.3

MNR Issues Guide for the Preparation of Mineral Resource Development and Utilization Plans

为贯彻落实矿业权管理改革的有关要求，进一步优化矿产资源开发利用方案内容，促进矿产资源合理利用和绿色开发，自然资源部办公厅发布《矿产资源开发利用方案编制指南》（下称《指南》），并同步下发通知，对相关工作进行部署。自 10 月 1 日起生效。

In order to implement the relevant requirements of mining rights management reform, further optimize the content of the development and utilization plan of mineral resources, promote the rational use of mineral resources and green development, the General Office of the Ministry of Natural Resources (MNR) has issued the Guide for the *Preparation of Mineral Resource Development and Utilization Plans* (the “*Guide*”), effective from October 1st, 2024.

《指南》提出，采矿权申请人申请办理采矿许可证时，应提交《矿产资源开发利用方案》（下称《方案》）。采矿权申请人应当承诺按相关标准规范要求开展绿色矿山建设，在“坚持保护和合理开发利用原则”基础上，根据资源赋存等条件，因地制宜选择合理的开采顺序、方式，并采取有效措施确保矿产资源开采回采率、选矿回收率和综合利用率达到有关国家标准的要求。通知则规定，申请采矿权新立登记、采矿权扩大矿区范围变更、开采主矿种变更、开采方式变更的，应按照《指南》要求编制《方案》。

According to the *Guide*, applicants for mining rights must submit the *Mineral Resource Development and Utilization Plan* (the “*Plan*”) when applying for a mining license, in accordance with the Mineral Resources Law of the People’s Republic of China (Amended in 2009) and other regulations. Applicants should commit to carrying out green mining construction in accordance with relevant standards and norms. On the basis of “adhering to the principle of protection and rational development and utilization,” and considering the resource conditions, applicants should choose appropriate mining sequences and methods tailored to local conditions, and they must take effective measures to ensure that the mining recovery rate, beneficiation recovery rate, and comprehensive utilization rate meet the requirements of relevant national standards. The circular stipulates that the *Plan* must be prepared in accordance with the *Guide* when applying for new mining right registrations, changes to the expansion of mining areas, changes to the main minerals extracted, or changes to mining methods.

(Source: https://gi.mnr.gov.cn/202407/t20240715_2852389.html)



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二、国家发展改革委关于支持优质企业借用中长期外债 促进实体经济高质量发展的通知 2024.7.12

Circular of the National Development and Reform Commission on Supporting the Borrowing of Medium- and Long-term Foreign Debt by High-quality Enterprises to Promote High-quality Development of the Real Economy

近日，国家发展和改革委员会发布《关于支持优质企业借用中长期外债促进实体经济高质量发展的通知》（下称《通知》），自 2024 年 7 月 29 日起施行，有效期截至 2029 年 7 月 29 日。

The National Development and Reform Commission (NDRC) has released the *Circular on Supporting Borrowings of Medium and Long-term Foreign Debt by High-quality Enterprises to Promote High-quality Development of the Real Economy* (the “Circular”), effective from July 29, 2024 to July 29, 2029.

《通知》主要包括：一是列明优质企业合理标准；二是在现行管理基础上实行专项审核，加快相关审核和流程；三是持续做好优质企业外债融资的支持和服务，保证高质量发展和高水平安全；四是持续完善事后监管，防范外债风险。其中，《通知》明确，企业可提交包含子公司在内的年度计划性合并外债额度申请，实现一次申请、分次使用；申请借用国际商业贷款或发行境外债券暂时缺少部分材料的，可予“容缺办理”。

The *Circular* mainly involves: (1) listing reasonable standards for defining high-quality enterprises; (2) implementing special reviews based on current management and expediting relevant approval requirements and procedures. (3) continuously optimizing support and services for the financing of high-quality enterprises through foreign debts; ensuring high-quality development and a high level of security, and (4) continuing to improve follow-up supervision and guard against external debt risk. Among others, the *Circular* specifies that, high-quality enterprises may submit a planned consolidated foreign debt quota application for both parent and subsidiary companies. Applications for international commercial loans or issuance of overseas bonds that temporarily lack some materials may be processed under the “provisional acceptance policy”.

(Source:

https://www.ndrc.gov.cn/xxgk/zcfb/ghxwj/202407/t20240723_1391882.html)



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三、上期所就铅、镍、锡和氧化铝期货期权合约公开征意 2024.7.16 SHFE Seeks Public Comments on Lead, Nickel, Tin, and Alumina Futures Options Contracts

日前，上海期货交易所起草了《上海期货交易所铅期货期权合约（征求意见稿）》（下称《征求意见稿》）、《上海期货交易所镍期货期权合约（征求意见稿）》、《上海期货交易所锡期货期权合约（征求意见稿）》和《上海期货交易所氧化铝期货期权合约（征求意见稿）》，现向社会征求意见，意见反馈截止于 7 月 22 日。

Recently, the Shanghai Futures Exchange (SHFE or the “Exchange”) has prepared *the Lead Futures Options Contract of the Shanghai Futures Exchange (Draft for Comment)* (the “Draft”), as well as *the Nickel Futures Options Contract of the Shanghai Futures Exchange (Draft for Comment)*, *the Tin Futures Options Contract of the Shanghai Futures Exchange (Draft for Comment)*, and *the Alumina Futures Options Contract of the Shanghai Futures Exchange (Draft for Comment)*. These drafts are now open for public feedback until July 22, 2024.

《征求意见稿》明确了合约标的物、合约类型、交易单位、报价单位、最小变动价位、涨跌停板幅度、合约月份、交易时间、行权价格等事项。关于合约月份，《征求意见稿》规定，最近两个连续月份合约，其后月份在标的期货合约结算后持仓量达到一定数值之后的第二个交易日挂牌，具体数值交易所另行发布。

The *Draft* specifies the contract's underlying asset, contract type, contract size, price quotation, minimum price fluctuation, daily price limit, contract month, trading hours, and strike price. Regarding the contract month, the *Draft* stipulates that option contracts will be listed for the nearest two consecutive months and, when the open interest of the underlying futures contract, after daily clearing, has reached a specific threshold to be separately announced by the Exchange, for later months on the second trading day thereafter.

(Source:

https://www.shfe.com.cn/publicnotice/notice/202407/t20240716_801997.html)

四、期所修订《上期综合业务平台保税标准仓单交易业务规定》 2024.7.17 SHFE Revises Provisions on Bonded Standard Warrants Trading Business on the SHFE Comprehensive Business Platform



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为更好地服务实体经济，满足市场需求，促进上期综合业务平台功能发挥，上海期货交易所发布《上期综合业务平台保税标准仓单交易业务规定（试行）（修订版）》（下称《规定》），自 2024 年 7 月 17 日起施行。

In order to better serve the real economy, meet market demand and promote the functioning of the comprehensive business platform of Shanghai Futures, the Shanghai Futures Exchange (“SHFE”) has issued *the Provisions on Bonded Standard Warrant Trading Business on the SHFE Comprehensive Business Platform (for Trial Implementation) (Revised)* (the “Provisions”), effective from July 17, 2024.

根据《规定》，此次修订具体涉及质押业务以及违约违规处理等内容，新增第五章“质押业务”并对第七章“违约违规处理”进行了补充，其中，条文明确了交易所可以根据仓单交易商与贷款银行之间质押融资合同，为双方提供办理保税标准仓单线上质押登记等服务并载明了开展保税标准仓单质押业务的具体要求及流程。

According to the *Provisions*, this revision specifically focuses on the pledge business and handling of default and violations, introducing Chapter V “Pledge Business” and supplementing Chapter VII “Handling of Default and Violations”. In particular, the articles state that the Exchange could, based on the pledge financing contract between the warrant trader and the lending bank, provide services such as online pledge registration of bonded standard warrants for both parties and set out the specific requirements and procedures for carrying out the business of pledging bonded standard warehouse receipts.

(Source:

https://www.shfe.com.cn/publicnotice/notice/202407/t20240717_802005.html)

五、两部门印发医疗机构临床急需医疗器械临时进口使用管理要求 2024.7.19
Two Authorities Issue Requirements for the Management of Temporary Import and Use of Medical Devices Urgently Needed in Clinical Settings by Medical Institutions

日前，国家药品监督管理局、国家卫生健康委员会联合发出《医疗机构临床急需医疗器械临时进口使用管理要求》（下称《管理要求》），自发布之日起施行。

Recently, the National Medical Products Administration (NMPA) and the National Health Commission (NHC) have jointly issued *the Requirements for the*



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Management of Temporary Import and Use of Medical Devices Urgently Needed in Clinical Settings by Medical Institutions (the “Requirements”), effective from the date of issuance.

《管理要求》适用于医疗机构因患者临床急需而临时进口使用，国外已上市但国内尚无同品种产品获准上市的第二类、第三类医疗器械，不包括应纳入大型医用设备配置许可管理的设备。《管理要求》充分考虑特殊情况下患者的用械需求，确定了产品范围和医疗机构范围；明确了医疗机构、经营企业和境外制造商、代理人各方责任认定要求；规定了申请材料、申请程序、审查方式和时限；提出了医疗机构使用相应医疗器械记录保存、停止使用、分析报告、继续使用等要求。《管理要求》还对使用相应医疗器械的医疗机构进行了明确规定。

The *Requirements* apply to medical devices that are clinically needed by patients and temporarily imported for use by medical institutions, specifically Class II and Class III medical devices already marketed overseas but have no approved domestic products of the same kind, excluding devices subject to the allocation and licensing management of large medical facilities. The *Requirements* fully consider the needs of patients for medical devices in special circumstances, defining the scope of products and medical institutions. They specify the requirements for the identification of responsibilities of medical institutions, operating enterprises, overseas manufacturers, and agents. The document outlines the application materials, application procedures, review methods, and time limits, and also sets requirements for record-keeping, discontinuation of use, analysis reports, and continued use of the medical devices by medical institutions. Additionally, the *Requirements* make clear provisions for medical institutions using these medical devices.

(Source:

<https://www.nmpa.gov.cn/xxgk/ggtg/ylqxggtg/ylqxqtggtg/20240719101313136.html>)

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