



Shanghai CILS Law Firm
上海信石律师事务所

Room 2615, Enterprise Square
No. 228 Meiyuan Road, Jingan
Shanghai 200070
People's Republic of China

中国上海静安区梅园路 228 号
企业广场 2615 室，邮编：200070

Tel: +86-21-80127725
Fax: +86-21-80127724
www.cilslaw.com

法律法规简报

Legal Update

2024-10



Shanghai CILS Law Firm
上海信石律师事务所



Shanghai CILS Law Firm
上海信石律师事务所

Room 2615, Enterprise Square
No. 228 Meiyuan Road, Jingan
Shanghai 200070
People's Republic of China

中国上海静安区梅园路 228 号
企业广场 2615 室，邮编：200070

Tel: +86-21-80127725
Fax: +86-21-80127724
www.cilslaw.com

目录

Contents

1. 国务院发布《网络数据安全条例》
State Council Publishes Regulations on Network Data Security Management
2. 我国加快公共数据资源开发利用
China to Accelerate the Development and Utilization of Public Data Resources
3. 七部门发布《加强监管防范风险促进期货市场高质量发展的意见》
Seven Departments Issue Opinions on Strengthening Risk Monitoring and Prevention and Promoting High-quality Development of Futures Market
4. 上交所发布发行上市审核规则适用指引第 6 号
SSE Issues Guidelines for the Application of the Rules for the Review of Issuance and Listing No. 6
5. 上期所正式启用新业务规则体系
SHFE Formally Implements New Business Rules System
6. 八部门出台《完善碳排放统计核算体系工作方案》
Eight Departments Release the Work Plan for Improving Carbon Emission Statistical and Accounting System



Shanghai CILS Law Firm
上海信石律师事务所

Room 2615, Enterprise Square
No. 228 Meiyuan Road, Jingan
Shanghai 200070
People's Republic of China

中国上海静安区梅园路 228 号
企业广场 2615 室，邮编：200070

Tel: +86-21-80127725
Fax: +86-21-80127724
www.cilslaw.com

1. 国务院发布《网络数据安全条例》 2024.9.30 **State Council Publishes Regulations on Network Data Security Management**

《网络数据安全条例》（下称“《条例》”）于 2024 年 8 月 30 日经国务院第 40 次常务会议通过并予公布，《条例》自 2025 年 1 月 1 日起施行。The *Regulations on Network Data Security Management* (the “*Regulations*”), which have been adopted at the 40th executive meeting of the State Council on August 30th, 2024, are hereby promulgated and shall become effective from January 1st, 2025.

《条例》旨在规范网络数据处理活动，保障网络数据安全，促进网络数据依法合理有效利用，保护个人、组织的合法权益，维护国家安全和公共利益。《条例》共 9 章 64 条，主要规定了以下内容：一是提出网络数据安全总体要求和一般规定；二是细化个人信息保护规定；三是完善重要数据安全制度；四是优化网络数据跨境安全管理规定；五是明确网络平台服务提供者义务。The *Regulations* aim to regulate network data processing activities, safeguard network data security, promote the reasonable and effective use of network data in accordance with the law, protect the legitimate rights and interests of individuals and organizations, and safeguard national security and public interests. The *Regulations* consist of nine chapters and 64 articles, which mainly provide for the following: (1) putting forward the overall requirements and general provisions on network data security management; (2) refining the provisions on the protection of personal information; (3) improving the important data security system; (4) optimizing the provisions on cross-border security management of network data and (5) clarifying the obligations of network platform service providers.

(Source: https://www.gov.cn/zhengce/content/202409/content_6977766.htm)

2. 我国加快公共数据资源开发利用 2024.10.9 **China to Accelerate the Development and Utilization of Public Data Resources**

为加快公共数据资源开发利用，充分释放公共数据要素潜能，推动高质量发展，中共中央办公厅、国务院办公厅印发《关于加快公共数据资源开发利用的意见》（下称“《意见》”）。

In order to accelerate the development and utilization of public data resources, fully release the potential of public data elements and promote high-quality development, the General Office of the Communist Party of China Central Committee and the General Office of the State Council have issued the *Opinions on Accelerating the Development and Utilization of Public Data Resources* (the “*Opinions*”).



Shanghai CILS Law Firm
上海信石律师事务所

Room 2615, Enterprise Square
No. 228 Meiyuan Road, Jingan
Shanghai 200070
People's Republic of China

中国上海静安区梅园路 228 号
企业广场 2615 室，邮编：200070

Tel: +86-21-80127725
Fax: +86-21-80127724
www.cilslaw.com

《意见》确定了总体要求与目标，并具体提出以下内容，一是深化数据要素配置改革，扩大公共数据资源供给；二是加强资源管理，规范公共数据授权运营；三是鼓励应用创新，推动数据产业健康发展；四是统筹发展和安全，营造开发利用良好环境；五是强化组织实施。

The *Opinions* establish overall requirements and goal, and put forward the following: (1) deepen the reform of data element allocation and expand the supply of public data resources; (2) strengthen resource management and regulate the authorized operation of public data; (3) encourage application innovation and promote the healthy development of the data industry; (4) coordinate development and security, and create a favorable environment for development and utilization; (5) strengthen organization and implementation.

(Source: https://www.gov.cn/zhengce/202410/content_6978910.htm)

3. 七部门发布《加强监管防范风险促进期货市场高质量发展的意见》 2024.10.11 Seven Departments issue Opinions on Strengthening Risk Monitoring and Prevention and Promoting High-quality Development of Futures Market

为切实加强期货市场监管，有效防范期货市场风险，有力促进期货市场平稳运行和高质量发展，助力维护产业链供应链安全、经济金融安全和社会预期稳定，更好服务实体经济高质量发展，中国证监会等部门发布关于加强监管防范风险促进期货市场高质量发展的意见》（下称“《意见》”）。

In order to effectively strengthen the supervision of the futures market, effectively prevent the risk of the futures market, vigorously promote the smooth operation and high-quality development of the futures market, help maintain the security of the industrial chain supply chain, economic and financial security and social stability of expectations, and better serve the real economy and the high-quality development, China's Securities Regulatory Commission and other departments issued the *Opinions on Strengthening Risk Monitoring and Prevention and Promoting High-quality Development of Futures Market* (the “*Opinions*”).

《意见》在 8 个具体方面提出了共计 17 条内容，包括严格监管期货交易行为，严厉打击期货市场违法违规行为，同时加强期货公司全过程监管，强化期货市场风险防范，提升商品期货市场服务实体经济质效，稳慎发展金融期货和衍生品市场，稳步推进期货市场对外开放并深化期货市场监管协作。

The *Opinions* consist of 17 policy measures in eight areas, including strictly supervising futures trading activities; severely combating illegal acts in futures market; strengthening supervision of futures companies over all process; enhancing



Shanghai CILS Law Firm
上海信石律师事务所

Room 2615, Enterprise Square
No. 228 Meiyuan Road, Jingan
Shanghai 200070
People's Republic of China

中国上海静安区梅园路 228 号
企业广场 2615 室，邮编：200070

Tel: +86-21-80127725
Fax: +86-21-80127724
www.cilslaw.com

risk prevention in futures market; improving the effectiveness of commodity futures markets to serve the real economy; prudently developing financial futures and derivatives market; steadily promoting the opening-up of the futures market; and deepening coordinated supervision in the futures market.

(Source: https://www.gov.cn/zhengce/content/202410/content_6979353.htm)

4. 上交所发布发行上市审核规则适用指引第 6 号 2024.10.11 SSE Issues Guidelines for the Application of the Rules for the Review of Issuance and Listing No.6

为了贯彻落实《中国证监会关于深化科创板改革 服务科技创新和新质生产力发展的八条措施》要求，细化“轻资产、高研发投入”企业的认定标准，鼓励科创板上市公司加大研发投入，提升科技创新能力，上海证券交易所制定并发布了《上海证券交易所发行上市审核规则适用指引第 6 号——轻资产、高研发投入认定标准（试行）》（下称“《指引》”），自 2024 年 10 月 11 日起施行。

In order to implement the requirements of the *Eight Measures of CSRC on Deepening the Reform of Science and Technology Innovation Board and Serving the Development of Scientific and Technological Innovation and New Quality Productivity*, to refine the identification criteria of “light asset and high R&D investment” enterprises, and to encourage listed companies on the Science and Technology Innovation Board to increase their investment in R&D and to enhance their scientific and technological innovation capability, Shanghai Stock Exchange has formulated and issued the *Guidelines of the Shanghai Stock Exchange for the Application of the Rules for the Review of Issuance and Listing No. 6 - Criteria for Identifying Light Asset and High R&D Investment (for Trial Implementation)* (the “*Guidelines*”), which will come into effect on October 11th, 2024.

《指引》共 12 条，明确了适用范围及“轻资产、高研发投入”的认定标准，列明了保荐机构及申报会计师应当重点关注并核查的事项并要求其出具专项核查意见，明确了公司应当在募集说明书中和再融资后需要披露的内容等。The *Guidelines* consist of 12 articles in total, specifying the scope of application and the identification criteria for recognizing “light asset and high R&D investment”, setting out the matters that should be focused on and verified by the sponsor institution and reporting accountants and requiring them to issue special verification opinions, and also clarifying the contents that should be disclosed by the company in the prospectus and after the refinancing.



Shanghai CILS Law Firm
上海信石律师事务所

Room 2615, Enterprise Square
No. 228 Meiyuan Road, Jingan
Shanghai 200070
People's Republic of China

中国上海静安区梅园路 228 号
企业广场 2615 室，邮编：200070

Tel: +86-21-80127725
Fax: +86-21-80127724
www.cilslaw.com

(Source:

https://www.sse.com.cn/lawandrules/sselawsrules/stocks/review/refinancing/c/c_20241011_10762630.shtml)

5. 上期所正式启用新业务规则体系

2024.10.23

SHFE Formally Implements New Business Rules System

上海期货交易所优化后的业务规则体系正式实施，这标志着上期所规则体系建设进入了全新发展的阶段。新规则体系采用“业务管理办法+品种业务细则”的体例，力争实现规则体系的科学稳定、简明友好，为更好服务实体经济、探索一体化对外开放奠定扎实的制度基础。

The optimized business rules system of Shanghai Futures Exchange (SFE) was formally implemented, marking that the construction of the rules system of SFE has entered a new stage of development. The new rule system adopts the format of “business management measures + varieties of business rules”, and strives to realize the scientific stability, simplicity and friendliness of the rule system, so as to better serve the real economy and explore the integration of opening up to the outside world to lay a solid institutional foundation.

上期所在今年八月发布了规则体系优化版本的公告，并设置了 2 个月的过渡期。本次优化上期所充分借鉴了芝加哥商业交易所、洲际交易所、伦敦金属交易所等境外交易所的先进经验，听取了市场各方意见，得到各方普遍认可。本次优化以结构体例为主，主要优化内容如下：一是拆分并重构一般性管理办法，提炼并制定品种细则。二是删减规则数量，增强规则制度的简明友好程度。三是依法完善表述，统一规则名称，实现规则制度的协调衔接。

SFE released an announcement on the optimized version of the rule system in August and set a transition period of 2 months. The optimization of SFE has made full reference to the advanced experience of overseas exchanges such as Chicago Mercantile Exchange, Intercontinental Exchange, London Metal Exchange, etc., listened to the opinions of all market parties, and has been generally recognized by all parties. The optimization is based on the structure, and the main optimization contents are as follows: First, splitting and reconstructing the general management methods, refining and formulating the details of varieties. Secondly, the number of rules is deleted to enhance the simplicity and friendliness of the rules system. Thirdly, the expression is improved according to the law, and the name of the rules is unified to realize the coordination and convergence of the rules system.

(Source: <https://mp.weixin.qq.com/s/w6qayFxp2KMe4eaFQRwxwCw>)



Shanghai CILS Law Firm
上海信石律师事务所

Room 2615, Enterprise Square
No. 228 Meiyuan Road, Jingan
Shanghai 200070
People's Republic of China

中国上海静安区梅园路 228 号
企业广场 2615 室，邮编：200070

Tel: +86-21-80127725
Fax: +86-21-80127724
www.cilslaw.com

6. 八部门出台《完善碳排放统计核算体系工作方案》 2024.10.24 Eight Departments Release the Work Plan for Improving Carbon Emission Statistical and Accounting System

为加快夯实碳排放双控基础制度，构建完善碳排放统计核算体系，国家发展改革委等八部门联合制定了《完善碳排放统计核算体系工作方案》（（下称《方案》））。

In order to accelerate the consolidation of the basic system of dual-control of carbon emissions and to build a sound statistical accounting system for carbon emissions, eight departments, including the National Development and Reform Commission, have jointly formulated the *Work Plan for Improving Carbon Emission Statistical and Accounting System* (the “Plan”).

《方案》提出了到 2025 年，国家及省级地区碳排放年报、快报制度全面建立；到 2030 年，系统完备的碳排放统计核算体系构建完成的主要目标，并明确了 8 项重点任务，一是健全区域碳排放统计核算制度；二是完善重点行业领域碳排放核算机制；三是健全企业碳排放核算方法；四是构建项目碳排放和碳减排核算体系；五是建立健全碳足迹管理体系；六是建设国家温室气体排放因子数据库；七是推进先进技术应用和新型方法学研究；八是加强国际合作。

The *Plan* set the goal of fully establishing a system for annual and quick carbon emission reports at both the national and provincial levels by 2025 and constructing a systematically complete carbon emission statistical and accounting system by 2030. The *Plan* therefore outlines the key tasks in eight areas, including (1) improving the regional carbon emission statistical and accounting system; (2) refining the carbon emission accounting mechanisms for key industries; (3) enhancing the carbon emission accounting methods for enterprises; (4) building the project carbon emission and carbon emission reduction accounting system; (5) establishing and improving the carbon footprint management system; (6) building the national database of greenhouse gas emission factors; (7) promoting the application of advanced technology and new methodology research; and (8) strengthening international cooperation.

(Source: https://www.ndrc.gov.cn/xxgk/zcfb/tz/202410/t20241024_1393879.html)



Shanghai CILS Law Firm
上海信石律师事务所

Room 2615, Enterprise Square
No. 228 Meiyuan Road, Jingan
Shanghai 200070
People's Republic of China

中国上海静安区梅园路 228 号
企业广场 2615 室，邮编：200070

Tel: +86-21-80127725
Fax: +86-21-80127724
www.cilslaw.com

Editor: Keira Gu
Tel: 86-21-80127725-821
Email: keira.gu@cilslaw.com

This publication is for informational purposes only. It does not cover every aspect of the topics with which it deals. It should not be construed or relied on as legal advice or to create a lawyer-client relationship. For any further legal advice, please contact us.

Shanghai CILS[®] Law Firm, a partnership registered at Room 2615, Enterprise Square,
No. 228 Meiyuan Road, Shanghai, PRC.

CILS[®] 2024