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法律法规简报

Legal Update

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1. 全国人大常委会通过《中华人民共和国增值税法》等三部法律 **2024.12.26**
NPC Standing Committee Passes Three Laws Including the Value-Added Tax Law

第十四届全国人民代表大会常务委员会第十三次会议审议通过《中华人民共和国增值税法》（下称“《增值税法》”）、《中华人民共和国科学技术普及法》（2024 年修订）和《关于修改〈中华人民共和国监察法〉的决定》。《增值税法》自 2026 年 1 月 1 日起施行。

At the 13th Session of the Standing Committee of the 14th National People's Congress (NPC), three laws are deliberated and passed, including the *Value-Added Tax Law of the People's Republic of China* (the “*Value-Added Tax Law*”), the *Law of the People's Republic of China on Popularization of Science and Technology (Revised in 2024)* and the *Decision of the Standing Committee of the National People's Congress on Amending the Supervision Law of the People's Republic of China*. The *Value-Added Tax Law* will take effect on January 1st, 2026.

为落实税收法定原则，推动完善税收法律制度，总体上按照税制平移的思路，保持现行税制框架和税负水平基本不变，将《增值税暂行条例》和有关政策规定上升为法律，并根据实际情况对部分内容作了必要调整，制定了《增值税法》。《增值税法》共计 6 章 36 条，主要规定了纳税人和征税范围、税率、应纳税额、税收优惠和征收管理。

In order to implement the principle of legalization of taxation and promote the improvement of the legal system of taxation, in accordance with the idea of duplicating the tax system in general and keeping the existing tax framework and tax burden level basically unchanged, the *Value-Added Tax Law* has been formulated by elevating the *Interim Regulations of Value-added Tax* and the relevant policy provisions to the status of law and making necessary adjustments to some of the contents in the light of the actual situation. The *Value-Added Tax Law* consists of 6 chapters and 36 articles, mainly regulating taxpayers and the scope of taxation, tax rates, tax payable, tax preferences and collection management.

(Source:

http://www.npc.gov.cn/npc/c2/c30834/202412/t20241225_442038.html

http://www.npc.gov.cn/npc/c2/c30834/202412/t20241225_442044.html

http://www.npc.gov.cn/npc/c2/c30834/202412/t20241225_442050.html)

2. 反不正当竞争法修订草案等七部法律草案征求意见 **2024.12.26**
Seven Draft Laws Including the Anti-Unfair Competition Law Draft Seek Comments



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第十四届全国人民代表大会常务委员会第十三次会议对《中华人民共和国反不正当竞争法（修订草案）》（下称“《反不正当竞争法草案》”）、《中华人民共和国民营经济促进法（草案）》、《中华人民共和国渔业法（修订草案）》等七部法律草案进行了审议，现对外公布全文，面向社会征求意见，征求期限为 30 日。

The 13th Session of the Standing Committee of the 14th National People's Congress (NPC) has deliberated seven draft laws, including the *Anti-Unfair Competition Law of the People's Republic of China (Draft Revision)* (the “*Anti-Unfair Competition Law Draft*”), the *Private Sector Economy Promotion Law of the People's Republic of China (Draft Revision)*, *Fisheries Law of the People's Republic of China*, with the full text of these draft laws announced to solicit public opinions for a term of 30 days.

《反不正当竞争法草案》主要修改内容包括完善数字经济领域反不正当竞争规则，完善混淆行为的具体情形，加强对商业贿赂的规制，完善网络不正当竞争监管制度，新增帮助混淆及其法律责任，完善虚假宣传、不正当有奖销售、商业诋毁、滥用优势地位损害中小企业合法权益等相关规定。

Main revisions to the *Anti-Unfair Competition Law Draft* include improving the rules against unfair competition in the digital economy, improving the specific circumstances of confusing behaviors, strengthening the regulation of commercial bribery, improving the regulatory system of unfair competition on the Internet, adding new provisions on aiding confusion and its legal liability, improving the provisions related to false propaganda, unfair prize sales, commercial defamation, and the abuse of dominance to the detriment of SMEs' legitimate rights and interests.

(Source: <http://www.npc.gov.cn/flcaw/>)

3. 国家市场监督管理总局发布《公司登记管理实施办法》 2024.12.31 **SAMR Releases Implementation Measures for Company Registration Management**

为了规范公司登记管理，维护交易安全，优化营商环境，国家市场监督管理总局发布《公司登记管理实施办法》（下称“《办法》”），自 2025 年 2 月 10 日起施行。《办法》针对调整认缴出资期限、公司注销难及虚假登记等问题进行了规定。

In order to standardize company registration management, ensure transaction security, and optimize the business environment, the State Administration for Market Regulation (SAMR) has issued the *Implementation Measures for Company Registration Management* (the “*Measures*”), which will come into effect on February



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10th, 2025. The *Measures* addresses the issues of adjusting the period of contribution, difficulties in deregistering companies and false registrations, etc.

此外，为便利股东依法进行出资，激发市场活力，《办法》列明股东可以用货币出资，也可以用实物、知识产权、土地使用权、股权、债权等可以用货币估价并可以依法转让的非货币财产作价出资。

In addition, in order to facilitate shareholders to make contributions in accordance with the law, stimulate the market vitality, the *Measures* sets out that the shareholders can contribute in monetary terms, but also in physical, intellectual property rights, land use rights, equity, credit and other non-monetary property can be valued in money and can be transferred in accordance with the law as a capital contribution.

(Source:

https://www.samr.gov.cn:8890/xw/mtjj/art/2024/art_27332e5b1f7140f4a20ddef82e7066f7.html)

4. 上海国际能源交易中心就《结算细则》等公开征意 2025.01.03 INE Seeks Comments on the Clearing Rules and Enforcement Rules

为进一步提升市场运行效益，防范化解期货市场风险，促进期货市场功能发挥，上海国际能源交易中心对《上海国际能源交易中心结算细则》（下称“《结算细则》”）、《上海国际能源交易中心违规处理实施细则》（下称“《违规处理实施细则》”）进行修订。

In order to further enhance the efficiency of market operation, prevent and resolve risks in the futures market, and promote the functioning of the futures market, Shanghai International Energy Exchange (INE) made revisions for the *Clearing Rules of the Shanghai International Energy Exchange* (the “*Clearing Rules*”) and the *Enforcement Rules of the Shanghai International Energy Exchange* (the “*Enforcement Rules*”).

修订内容包括在《结算细则》第三十三条明确会员不得对上海国际能源交易中心认定的高频交易者进行手续费减收和在《违规处理实施细则》第二十三条明确对会员未规范使用上海国际能源交易中心减收的交易手续费的行为进行违规处理。

The revisions include (1) Article 33 of the *Clearing Rules* specifies that members shall not reduce the handling fee for high-frequency traders recognized by the INE, and (2) Article 23 of the *Enforcement Rules* adds a provision dealing with the violation of members' failure to use the reduced handling fees charged by INE properly.



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(Source: https://www.ine.cn/publicnotice/notice/202501/t20250102_824209.html)

5. 国务院办公厅发出《关于全面深化药品医疗器械监管改革促进医药产业高质量发展的意见》 2024.01.06

State Council to Comprehensively Deepen the Reform of Drug and Medical Device Regulation and Boost High-quality Development of Pharmaceutical Industry

国务院办公厅发出《关于全面深化药品医疗器械监管改革促进医药产业高质量发展的意见》（下称“《意见》”）。《意见》指出到 2027 年，药品医疗器械监管法律法规制度更加完善，监管体系、监管机制、监管方式更好适应医药创新和产业高质量发展需求。到 2035 年，药品医疗器械质量安全、有效、可及得到充分保障，医药产业具有更强的创新创造力和全球竞争力，基本实现监管现代化。

The General Office of the State Council releases the *Opinions on Comprehensively Deepening the Reform of Drug and Medical Device Regulation to Promote the High-quality Development of the Pharmaceutical Industry* (the “*Opinions*”). The *Opinions* points out, by 2027, the legal and regulatory system for drug and medical device will be further improved, the regulatory systems, mechanisms, and approaches will be better adapted to the needs of pharmaceutical innovation and high-quality industrial development. By 2035, the quality, safety, efficiency, and accessibility of drugs and medical devices will be fully guaranteed and the pharmaceutical industry will possess stronger innovation creativity and global competitiveness, and regulatory modernization will be basically achieved.

《意见》提出要加大对药品医疗器械研发创新的支持力度，提高药品医疗器械审评审批质效，以高效严格监管提升医药产业合规水平，支持医药产业扩大对外开放合作，构建适应产业发展和安全需要的监管体系。

The *Opinions* proposes to increase support for R&D innovation of drugs and medical devices, improve the quality and efficiency of review and approval of drugs and medical devices, enhance the level of compliance in the pharmaceutical industry with efficient and strict supervision, support the pharmaceutical industry to expand the opening-up foreign cooperation, and build a regulatory system adapted to the needs of the industrial development and safety.

(Source: https://www.gov.cn/zhengce/content/202501/content_6996115.htm)

6. 最高法发布《适用民法典婚姻家庭编的解释(二)》 2025.01.15



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SPC Releases Judicial Interpretation on the Marriage and Family Book of the Civil Code (II)

随着我国经济社会发展，城乡家庭的结构和生活方式发生了新变化，婚姻家庭矛盾呈现出新特点，家事纠纷案件数量高位运行。对此，最高人民法院在广泛深入调研的基础上制定了《最高人民法院关于适用〈中华人民共和国民法典〉婚姻家庭编的解释（二）》（下称“《解释（二）》”），自 2025 年 2 月 1 日起施行。

With the economic and social development of our country, new changes have occurred in the structure and lifestyles of urban and rural families. New features have emerged in marital and family conflicts, with the number of cases of family disputes running at a high level. In response, the Supreme People's Court formulated the *Interpretation of the Supreme People's Court on the Application of Marriage and Family Part of the Civil Code of the People's Republic of China (II)* (“*Interpretation (II)*”) on the basis of extensive and in-depth research, which will come into effect on February 1st, 2025.

《解释（二）》共 23 条，坚持问题导向，力求务实管用，重点解决夫妻间给予房产、父母为子女婚后购房出资、违反夫妻忠实义务将夫妻共同财产赠与他人以及抢夺、藏匿未成年子女等审判实践疑难问题。此外，《解释（二）》还对同居析产纠纷处理、继父母子女关系认定和解除、离婚经济补偿、离婚经济帮助等规则予以细化，平衡保护各方利益，维护婚姻家庭和谐稳定。

Interpretation (II), consisting of 23 articles, adopts a problem-oriented approach, aiming for practical applicability, and focuses on resolving difficult issues in judicial practice, such as granting of real estate between spouses, contributions from parents to the purchase of real estate for their children, gifting of joint marital property to other persons in violation of marital loyalty obligations, and abduction or hiding of minor children. In addition, the *Interpretation (II)* further refines the rules concerning disputes over the separation of property in cohabitation, the identification and dissolution of the relationship between step-parents and children, financial compensation of divorce, and financial assistance after divorce, in order to balance and protect the interests of all parties, and to safeguard the harmony and stability of marriages and families.

(Source: <https://ipc.court.gov.cn/zh-cn/news/view-2650.html>)

7. 国家药监局就《医疗器械生产质量管理规范》征求意见 2025.01.15
NMPA Seeks Comments on the Good Manufacturing Practice for Medical Devices



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为进一步加强医疗器械监督管理，持续规范医疗器械生产行为，提升企业质量管理合规能力和水平，根据《医疗器械监督管理条例》《医疗器械生产监督管理办法》，国家药品监督管理局起草了《医疗器械生产质量管理规范（修订草案征求意见稿）》（下称“《征求意见稿》”），现向社会公开征求意见，意见反馈截至 2025 年 2 月 14 日。

In order to further strengthen the supervision and management of medical devices, continue to regulate the production of medical devices, improve the quality management of enterprises to comply with the ability and level, according to the *Regulations on Supervision and Management of Medical Devices, Measures for Supervision and Management of Medical Devices Production*, the National Medical Products Administration has drafted the *Good Manufacturing Practice for Medical Devices (Draft Revision for Comment)* (the “Draft”), is now seeking public comments by February 14th, 2025.

《征求意见稿》变化内容主要涉及质量保证与风险管理、机构与人员、厂房与设施、设备、文件和数据管理、生产管理、质量控制与产品放行、委托生产与外协加工等。《征求意见稿》对企业应当配备的专业技术人员、管理人员、生产操作人员和专职检验人员的相应资质（含学历、培训和实践经验）提出了具体的要求；新增了委托生产与外协加工部分，提出委托生产体系总体要求、受托能力评估和监督、外协加工文件要求等。

The changes in the *Draft* mainly involve quality assurance and risk management, organization and personnel, plant and facilities, equipment, documentation and data management, production management, quality control and product release, commissioned production and outsourced processing. The *Draft* makes specific requirements on the corresponding qualifications of professional and technical personnel, management personnel, including education background, training and practical experience, production operators and full-time inspectors that should have in the enterprises; and adds a new section on commissioned production and outsourced processing, which puts forward the general requirements of the commissioned production system, commissioned capacity assessment and supervision and requirements for outsourced processing documents, etc.

(Source:

<https://www.nmpa.gov.cn/xxgk/zhqyj/zhqyjylqx/20250115151851163.html>)

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