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# 法律法规简报

## Legal Update

### 2025-12



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## 1. 国家网信办对《网络数据安全风险评估办法》征求意见 2025.12.06 CAC Seeks Comments on the Measures for Network Data Security Risk Assessment

为规范网络数据安全风险评估活动,保障网络数据安全,促进网络数据依法合理有效利用,根据《中华人民共和国数据安全法》《网络数据安全条例》等法律法规,国家互联网信息办公室起草了《网络数据安全风险评估办法(征求意见稿)》(以下简称“《意见稿》”),现向社会公开征求意见,反馈截止时间为 2026 年 1 月 5 日。

In order to standardize network data security risk assessment activities, ensure network data security, and promote the lawful, reasonable, and effective use of network data, the Cyberspace Administration of China (CAC) has drafted the *Measures for Network Data Security Risk Assessment (Draft for Comments)* (the “Draft”) in accordance with laws and regulations such as the *Data Security Law of the People’s Republic of China* and the *Regulations on the Management of Network Data Security*. The *Draft* is now released to seek public comments, with the feedback deadline on January 5<sup>th</sup>, 2026.

根据《意见稿》,处理重要数据的网络数据处理者应当每年度对其网络数据处理活动开展风险评估。重要数据安全状态发生重大变化可能对数据安全造成不利影响的,应及时对发生变化及其影响的部分开展风险评估。鼓励处理一般数据的网络数据处理者至少每 3 年开展一次风险评估。评估机构在风险评估过程中发现网络数据处理活动存在重大数据安全风险的,应当及时通报网络数据处理者,并按照有关规定报告。评估机构及其工作人员应当对在风险评估过程中获得的数据、商业秘密、保密商务信息等依法予以保密,不得泄露或者非法向他人提供,在风险评估工作结束后及时删除相关信息。

According to the *Draft*, network data processors that handle important data shall conduct a risk assessment of the network data processing activities annually. If significant changes occur in the security status of important data that may adversely affect data security, a risk assessment shall be promptly carried out on the affected aspects and their impacts. Network data processors that handle general data are encouraged to conduct a risk assessment at least once every three years. If an assessment agency identifies significant data security risks in network data processing activities during the risk assessment process, it shall promptly notify the network data processor and report in accordance with relevant regulations. Assessment agencies and their personnel shall keep confidential the data, trade secrets, confidential business information, and other information obtained during the risk assessment process as required by law, and shall not disclose or illegally provide



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such information to others. All relevant information shall be promptly deleted upon completion of the risk assessment work.

(Source: [https://www.cac.gov.cn/2025-12/06/c\\_1766578179367262.htm](https://www.cac.gov.cn/2025-12/06/c_1766578179367262.htm))

## 2. 市场监管总局修改《禁止垄断协议规定》 2025.12.09 **SAMR Amends the Provisions on the Prohibition of Monopoly Agreements**

为明确《中华人民共和国反垄断法》关于不予禁止的纵向垄断协议需符合的市场份额标准和其他条件，市场监管总局发出《关于修改〈禁止垄断协议规定〉的决定》，其中，修改第十七条，新增第十八条、第十九条，自 2026 年 2 月 1 日起施行。

In order to clarify the market share criteria and other conditions for non-prohibited vertical monopoly agreements under the *Anti-Monopoly Law of the People's Republic of China*, the State Administration for Market Regulation (SAMR) issued the *Decision on Amending the Provisions on Prohibiting Monopoly Agreements*. The *Decision* amended Article 17 and added Articles 18 and 19, which shall come into effect from February 1<sup>st</sup>, 2026.

为稳定市场预期，有效维护市场竞争秩序，《禁止垄断协议规定》第十七条明确规定了不予禁止的纵向垄断协议需符合的市场份额标准和其他条件：一是规定不同类型纵向垄断协议相应的市场份额标准和营业额条件。二是明确达成协议的经营者和交易相对人均要符合相关标准和条件。三是如协议所涉及商品存在多个交易相对人，需将其市场份额和营业额合并计算。《禁止垄断协议规定》第十九条则明确了审查程序和法律后果。

To stabilize market expectations and effectively maintain market competition order, the amended Article 17 of the *Provisions on Prohibiting Monopoly Agreements* specifies the market share criteria and other conditions for non-prohibited vertical monopoly agreements: First, it stipulates the corresponding market share criteria and turnover conditions for different types of vertical monopoly agreements. Second, it clarifies that both the business operators reaching the agreement and their counterparties must meet the relevant criteria and conditions. Third, if multiple counterparties are involved in the transaction of the goods covered by the agreement, their market shares and turnover must be aggregated. Article 19 of the *Provisions on Prohibiting Monopoly Agreements* specifies the review procedures and legal consequences.

(Source:



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[https://www.samr.gov.cn/zw/zfxxgk/fdzdgnr/fgs/art/2025/art\\_1145a4952f114948a68980fda8c0bdef.html](https://www.samr.gov.cn/zw/zfxxgk/fdzdgnr/fgs/art/2025/art_1145a4952f114948a68980fda8c0bdef.html)  
[https://www.samr.gov.cn/zw/zfxxgk/fdzdgnr/xwxc/art/2025/art\\_3c28c2bff22144d2bd36b913956f1159.html](https://www.samr.gov.cn/zw/zfxxgk/fdzdgnr/xwxc/art/2025/art_3c28c2bff22144d2bd36b913956f1159.html))

### 3. 最高法院发布修改后《民事案件案由规定》 2025.12.17 SPC Releases Amended Provisions on Causes of Action in Civil Cases

根据《中华人民共和国民法典》《中华人民共和国民事诉讼法》等法律规定，结合人民法院民事审判工作实际，最高人民法院印发《关于修改〈民事案件案由规定〉的决定》，自 2026 年 1 月 1 日起施行。

In accordance with laws and regulations such as the *Civil Code of the People's Republic of China* and the *Civil Procedure Law of the People's Republic of China*, and in light of the practical work of people's courts in civil adjudication, the Supreme People's Court has issued the *Decision on Amending the Provisions on Causes of Action in Civil Cases*, which shall come into effect on January 1<sup>st</sup>, 2026.

2020 年《民事案件案由规定》共有第一级案由 11 个，第二级案由 54 个，第三级案由 473 个，第四级案由 391 个，总计 929 个。此次通过具体案由的增加、删除、升级、降级等不同方式修改具体案由 206 个。修改后的《民事案件案由规定》共有第一级案由 12 个，第二级案由 59 个，第三级案由 514 个，第四级案由 470 个，总计 1055 个案由。

The 2020 *Provisions on Causes of Action in Civil Cases* consisted of a total of 929 causes of action, including 11 first-level, 54 second-level, 473 third-level, and 391 fourth-level causes of action. This amendment modifies 206 specific causes of action through additions, deletions, upgrades, and downgrades. The amended *Provisions on Causes of Action in Civil Cases* now contains a total of 1,055 causes of action, comprising 12 first-level, 59 second-level, 514 third-level, and 470 fourth-level causes of action.

具体而言，围绕服务发展新质生产力，增加数据、网络虚拟财产相关案由，并细化了知识产权相关案由；围绕促进法治化营商环境建设，完善了竞争纠纷、商事纠纷相关案由；围绕加强涉外法治建设，结合海事审判实践需要，完善海事海商相关案由；围绕护航乡村全面振兴，完善了农村集体经济组织、农民专业合作社相关案由；围绕不断增进民生福祉，针对新就业形态、老年人权益保护等人民群众所急所盼的领域完善了相关案由；围绕服务美丽中国建设，完善了环境资源相关案由。



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Specifically, to serve the development of new quality productive forces, causes of action related to data and online virtual property have been added, and intellectual property-related causes of action have been refined; To promote the construction of a rule-of-law-based business environment, causes of action concerning competition and commercial disputes have been improved; To strengthen the development of foreign-related rule of law, maritime and commercial causes of action have been enhanced in alignment with the practical needs of maritime adjudication; To support comprehensive rural revitalization, causes of action related to rural collective economic organizations and farmer cooperatives have been refined; To continuously improve people's livelihood and well-being, causes of action in areas of public concern, such as new forms of employment and the protection of elderly rights, have been improved; To serve the building of a Beautiful China, causes of action related to environmental resources have been refined.

(Source: <https://www.court.gov.cn/fabu/xiangqing/484231.html>)

**4. 国家药监局规范互联网药品医疗器械信息服务备案 2025.12.22**  
**NMPA Regulates the Filing of Internet-based Drug and Medical Device Information Services**

为了规范互联网药品医疗器械信息服务备案，加强互联网药品医疗器械信息服务管理，依据《互联网信息服务管理办法》，国家药监局制定了《互联网药品医疗器械信息服务备案管理规定》（以下简称“《管理规定》”），自发布之日起施行。

To standardize the filing of internet-based drug and medical device information services and strengthen the management thereof, the National Medical Products Administration (NMPA) has formulated the *Administrative Provisions on the Filing for Internet-based Drug and Medical Device Information Services* (“*Administrative Provisions*”) in accordance with the *Administrative Measures for Internet Information Services*. The *Administrative Provisions* shall come into effect as of the date of issuance.

根据《管理规定》，在中华人民共和国境内通过互联网为上网用户提供药品医疗器械信息服务活动，应当遵守本规定。互联网药品医疗器械信息服务提供者应当以网站、客户端、应用程序为基本单元进行备案，除应当符合《互联网信息服务管理办法》规定的要求外，还应当具备下列条件：（一）信息服务提供者应当为依法成立的法人或者其他组织；（二）具有与开展互联网药品医疗器械信息服务活动相适应的专业人员、设施及管理制度；（三）配备至少两



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名熟悉药品、医疗器械相关法律、法规和专业知识的，或者依法经资格认定的药学、医疗器械技术人员。

According to the *Administrative Provisions*, activities within the territory of the People's Republic of China that provide drug and medical device information services to online users via the internet shall comply with the Administrative Provisions. Providers of internet-based drug and medical device information services shall complete filing with websites, client-side, and applications as basic units. In addition to meeting the requirements stipulated in the *Administrative Measures for Internet Information Services*, the providers shall also satisfy the following conditions: (1) The information service provider shall be a legal person or other organization established in accordance with the law; (2) It shall possess professional personnel, facilities, and management systems appropriate for carrying out internet-based drug and medical device information service activities; (3) It shall employ at least two personnel familiar with drug- and medical device-related laws, regulations, and professional knowledge, or pharmaceutical or medical device technical personnel qualified in accordance with the law.

(Source:

<https://www.nmpa.gov.cn/xxgk/ggtg/ylqxggtg/ylqxqtggtg/20251222182516159.html>)

**5. 两部门发出《关于加强知识产权纠纷仲裁工作的指导意见》 2025.12.24**  
**Two Departments Issue the Guiding Opinions on Strengthening Arbitration for Intellectual Property Disputes**

为强化知识产权保护，加强知识产权纠纷仲裁工作，充分发挥仲裁在知识产权全链条保护中的重要作用，司法部与国家知识产权局近日联合印发《关于加强知识产权纠纷仲裁工作的指导意见》（以下简称“《指导意见》”）。

In order to strengthen the protection of intellectual property rights, enhance arbitration work for intellectual property disputes, and fully leverage the crucial role of arbitration in the whole-chain protection of intellectual property, the Ministry of Justice and the National Intellectual Property Administration have jointly issued the *Guiding Opinions on Strengthening Arbitration for Intellectual Property Disputes* (the “*Guiding Opinions*”).

《意见》提出如下指导意见：（一）加强专业化仲裁机构建设。支持具备条件的仲裁机构设立知识产权仲裁院（中心）等内设部门，设立知识产权仲裁员名册，提供专业仲裁服务；（二）完善专业仲裁规则。仲裁机构结合知识产



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权纠纷特点和实际, 建立知识产权仲裁专门规则; (三) 扩大仲裁适用范围。支持仲裁机构与知识产权管理部门、相关商协会等建立健全协作机制, 推动选择仲裁方式依法化解知识产权合同纠纷和其他财产权益纠纷; (四) 推进涉外知识产权仲裁工作。鼓励仲裁机构积极参与涉外知识产权纠纷解决, 与国际知识产权相关组织开展交流合作, 提升影响力和竞争力; (五) 加强工作保障。In accordance with the *Guiding Opinions*, the following opinions are proposed: (I) Strengthen the development of specialized arbitration institutions by supporting qualified arbitration institutions in establishing internal departments such as Intellectual Property Arbitration Courts (Centers) and setting up specialized panels of intellectual property arbitrators to provide professional arbitration services; (II) Improve specialized arbitration rules by having arbitration institutions develop dedicated rules for intellectual property arbitration that consider the characteristics and practical needs of such disputes; (III) Expand the scope of arbitration application by supporting arbitration institutions in establishing collaboration mechanisms with intellectual property administrative departments and relevant industry associations to promote the use of arbitration for resolving intellectual property contract disputes and other property-related disputes in accordance with the law; (IV) Advance foreign-related intellectual property arbitration work by encouraging arbitration institutions to actively engage in resolving foreign-related intellectual property disputes, conduct exchanges and cooperation with international intellectual property-related organizations, and enhance their influence and competitiveness; (V) Strengthen work safeguards.

(Source: [https://www.cnipa.gov.cn/art/2025/12/25/art\\_75\\_203273.html](https://www.cnipa.gov.cn/art/2025/12/25/art_75_203273.html)  
[https://www.cnipa.gov.cn/art/2025/12/25/art\\_55\\_203250.html](https://www.cnipa.gov.cn/art/2025/12/25/art_55_203250.html))

## 6. 国家药监局修订发布《医疗器械出口销售证明管理规定》 2025.12.25 NMPA Revises and Issues the Administrative Provisions on the Certificate for Exportation of Medical Device

为支持医疗器械出口贸易, 规范药品监督管理部门出具医疗器械出口销售证明的服务性事项办理, 国家药监局修订发布《医疗器械出口销售证明管理规定》(以下简称“《规定》”), 该规定自 2026 年 5 月 1 日起施行, 原国家食品药品监督管理总局《关于发布医疗器械产品出口销售证明管理规定的通告》(2015 年第 18 号) 同时废止。《规定》的发布, 将为我国医疗器械产品出口提供更大范围的支持和更加便利的服务, 助力我国医疗器械产品加快“出海”, 更好走向世界, 助力全球公众健康。

In order to support the export of medical devices and standardize the issuance of the Certificate for Exportation of Medical Devices by drug regulatory authorities, the



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National Medical Products Administration (NMPA) has revised and released the *Administrative Provisions on the Certificate for Exportation of Medical Device* (the “*Administrative Provisions*”). The *Administrative Provisions* will come into effect on May 1<sup>st</sup>, 2026, simultaneously repealing the former State Food and Drug Administration’s *Announcement on Issuing the Administrative Provisions of Certificates for Exportation of Medical Device Products* (2015 No. 18). The release of the *Administrative Provisions* will provide broader support and more convenient services for the export of Chinese medical device products, accelerating the “going global” process, enabling them to better reach the international market, and contributing to global public health.

根据《规定》，拟出口已在中国境内注册或者备案的医疗器械的，由医疗器械注册人、备案人作为申请人，应向监管部门提交资料，申请出具《医疗器械出口销售证明（I）》；而拟出口未在中国境内注册或者备案的医疗器械的申请人，由拟出口产品的实际生产企业作为申请人，应向监管部门提交资料，申请出具《医疗器械出口销售证明（II）》。申请人应当加强医疗器械出口质量管理，落实质量管理体系要求，建立并保存相关质量管理文件和记录、已办理的出口销售证明、包装、产品说明书和标签样式、报关单、数量、产值、进口国家（地区）等相关资料，保证医疗器械出口过程可追溯。管辖制度是司法制度的重要组成部分，关系着司法公正和效率。

According to the *Administrative Provisions*, to export medical devices registered or filed within China, the medical device registrant or filing entity shall act as the applicant and submit the required materials to the regulatory authority to apply for the issuance of the *Certificate for Exportation of Medical Devices (I)*; to export medical devices not registered or filed within China, the actual manufacturing enterprise of the intended export product shall act as the applicant and submit the required materials to the regulatory authority to apply for the issuance of the *Certificate for Exportation of Medical Devices (II)*. Applicants shall strengthen the quality management of exported medical devices, fulfill the requirements of the quality management system, and establish and retain relevant documents and records, which includes records of quality management, issued export sales certificates, packaging, product instructions and labels, customs declarations, quantities, production values, destination countries (regions), and other related materials to ensure the traceability of the medical device export process.

(Source:

<https://www.nmpa.gov.cn/yaowen/ypjgyw/ylqxyw/20251225100957177.html>

<https://www.nmpa.gov.cn/xxgk/ggtg/ylqxggtg/ylqxqtggtg/20251225100838171.html>)



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## 7. 最高人民法院发布《最高人民法院关于部分民事案件管辖适用法律有关问题的批复》 2025.12.30

### SPC Issues the Reply of the Supreme People's Court on Issues Concerning the Jurisdiction of Certain Civil Cases

管辖制度是司法制度的重要组成部分，关系着司法公正和效率。为指导各级人民法院依法确定相关民事案件管辖，减少管辖权争议，提高司法效率，更好保障当事人合法权益，最高人民法院正式发布《最高人民法院关于部分民事案件管辖适用法律有关问题的批复》（法释〔2025〕15号，以下简称“《批复》”），自2025年12月31日起施行。

Jurisdiction is a crucial component of the judicial system, as it directly impacts judicial fairness and efficiency. To guide people's courts at all levels in lawfully determining jurisdiction over relevant civil cases, reduce jurisdictional disputes, enhance judicial efficiency, and better safeguard the legitimate rights and interests of parties involved, the Supreme People's Court (SPC) has officially issued the *Reply of the Supreme People's Court on Issues Concerning the Jurisdiction of Certain Civil Cases (Judicial Interpretation No. 15 [2025], the "Reply")*, which shall come into effect on December 31<sup>st</sup>, 2025.

《批复》共五条，具体内容如下：（1）当事人协议选择“五地”之外的其他地点为管辖连接点的，该地点须与争议有实际联系；（2）协议管辖不得违反专门管辖；（3）管辖协议约定不明时的处理规则；（4）“或裁或诉”条款中仲裁协议无效不影响管辖协议的效力；（5）责任保险合同纠纷案件可以由被保险人住所地人民法院管辖。

The *Reply* consists of five provisions, with the specific content as follows: (1) If the parties agree to designate a location other than the “five places” as the jurisdictional connecting point, such location must have an actual connection with the dispute; (2) Jurisdiction by agreement must not violate exclusive jurisdiction; (3) Rules for handling unclear jurisdiction agreements; (4) The invalidity of an arbitration clause in an “arbitration or litigation” provision does not affect the validity of the jurisdiction agreement; (5) Disputes arising from liability insurance contracts may fall under the jurisdiction of the people's court at the place of the insured's domicile.

(Source: <https://www.court.gov.cn/zixun/xiangqing/485241.html>)

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