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# 法律法规简报

## Legal Update

### 2026-05



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## 1. 中国证监会发布《衍生品交易监督管理办法(试行)》 2026.05.14 CSRC Issues Measures for Supervision and Administration of Derivatives Trading (for Trial Implementation)

为促进衍生品市场规范健康发展，完善资本市场领域衍生品监管规则，统一对证券期货经营机构开展衍生品交易的监管尺度和强度，中国证监会起草形成了《衍生品交易监督管理办法(试行)》(以下简称《办法》)，《办法》将自 2026 年 11 月 16 日起施行。《办法》对衍生品交易和结算、衍生品交易者、衍生品经营机构、衍生品市场基础设施、监督管理和法律责任等进行了规定。

To promote the standardized and healthy development of the derivatives market, improve the derivatives regulatory framework within the capital market, and unify the regulatory standards and intensity for derivatives transactions conducted by securities and futures operating institutions, the China Securities Regulatory Commission (CSRC) has drafted and formulated the *Measures for Supervision and Administration of Derivatives Trading (for Trial Implementation)* (the “Measures”), which shall take effect on November 16<sup>th</sup>, 2026. The *Measures* sets forth provisions on derivatives trading and settlement, derivatives traders, derivatives operators, derivatives market infrastructure, supervision and management, and legal liabilities.

《办法》主要包括以下内容：一是明确调整范围，中国证监会依法监管的衍生品交易场所和衍生品经营机构组织开展的衍生品交易及相关活动适用本办法；二是明确衍生品市场管理风险、配置资源、服务实体经济的功能定位；三是明确参与衍生品交易及相关活动的各方应当遵守的基本原则；四是规范衍生品交易及其结算；五是加强交易者保护，明确交易者适当性标准；六是加强衍生品经营机构监管，明确内部控制和风险管理要求；七是加强衍生品市场基础设施监管，对衍生品交易场所、衍生品结算机构、衍生品交易报告库提出规范要求，建立数据共享和跨市场监测监控机制；八是明确监督管理和法律责任。The *Measures* mainly include the following contents: (1) clarifying the scope of application, under which the Measures apply to derivative transactions and related activities organized and conducted by derivative trading venues and derivative operating institutions subject to the regulatory supervision of CSRC in accordance with the law; (2) clarifying the functional positioning of the derivatives market in managing risks, allocating resources, and serving the real economy; (3) specifying the basic principles that all parties involved in derivative transactions and related activities shall adhere to; (4) regulating derivative transactions and their clearing and settlement; (5) strengthening trader protection and clarifying trader suitability standards; (6) enhancing the supervision of derivative operating institutions and specifying internal control and risk management requirements; (7) strengthening the supervision of derivatives market infrastructure, including setting forth regulatory



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requirements for derivative trading venues, derivative clearing institutions, and derivative trade repositories, as well as establishing mechanisms for data sharing and cross-market monitoring and surveillance; (8) clarifying supervisory and legal responsibilities.

(Source: <https://www.csrc.gov.cn/csrc/c101953/c7632837/content.shtml>)

**2. 市场监管总局就“三品一械”广告审查征意 2026.05.15**  
**SAMR Seeks Comments on Advertisements Reviews for Drugs, Medical Devices, Dietary Supplements, and FSMP**

市场监管总局对《药品、医疗器械、保健食品、特殊医学用途配方食品广告审查管理暂行办法》（下称“《暂行办法》”）进行修订，形成《药品、医疗器械、保健食品、特殊医学用途配方食品广告审查管理办法（征求意见稿）》（下称“《意见》”），现向社会公开征求意见，意见反馈截止时间为 2026 年 6 月 15 日。

The State Administration for Market Regulation (SAMR) has revised the *Interim Measures for the Administration of Advertisements Review for Drugs, Medical Devices, Health Foods, and Foods for Special Medical Purposes*, and has formulated the *Measures for the Administration of Advertising Review for Drugs, Medical Devices, Health Foods, and Foods for Special Medical Purposes (Draft for Comments)* (the “*Draft*”), which seeks for public comments by June 15<sup>th</sup>, 2026.

《意见》的本次修订坚持问题导向，主动适应广告新业态发展需要，重点研究解决《暂行办法》施行以来，地方市场监管部门、广告审查机关、企业、消费者反映的在“三品一械”广告审查和监管执法方面存在的实际问题，依据相关法律法规规定，进一步完善“三品一械”广告审查管理制度，加强广告行为监管，优化广告审查服务，推动实现高质量发展和高水平安全的良性互动。This revision of the *Draft* adopts a problem-oriented approach and proactively adapts to the development needs of new advertising formats. It focuses on addressing the practical issues reflected by local market regulatory authorities, advertising review agencies, enterprises, and consumers in the review, supervision, and enforcement of “drugs, medical devices, health foods, and foods for special medical purposes” advertising since the implementation of the *Interim Measures*. In accordance with relevant laws and regulations, the revision further improves the advertising review and management system for the “drugs, medical devices, health foods, and foods for special medical purposes”, strengthens the supervision of advertising practices, optimizes advertising review services, and promotes a positive interaction between high-quality development and high-level safety.



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(Source:

[https://www.samr.gov.cn/hd/zjdc/art/2026/art\\_2a99498546434468b1fada4203fdc7ce.html](https://www.samr.gov.cn/hd/zjdc/art/2026/art_2a99498546434468b1fada4203fdc7ce.html))

### 3. 国务院公布《中华人民共和国矿产资源法实施条例》 2026.05.20 State Council Releases Implementation Regulations of the Mineral Resources Law of the People's Republic of China

《中华人民共和国矿产资源法实施条例》（下称“《条例》”）已经 2026 年 5 月 9 日国务院第 85 次常务会议通过，现予公布，自 2026 年 6 月 15 日起施行。《条例》旨在保障修订后的矿产资源法有效实施，促进矿产资源合理开发利用，加强矿产资源和生态环境保护，推动矿业高质量发展，保障矿产资源安全。

*Implementation Regulations of the Mineral Resources Law of the People's Republic of China (the "Regulations")*, adopted at the 85<sup>th</sup> Executive Meeting of the State Council on May 9<sup>th</sup>, 2026, is hereby promulgated, and shall come into force on June 15<sup>th</sup>, 2026. The *Regulations* aims to ensure the effective implementation of the revised Mineral Resources Law, promote the rational development and utilization of mineral resources, strengthen the protection of mineral resources and ecological environment, advance the high-quality development of the mining industry, and ensure the security of mineral resources.

《条例》共 8 章 79 条，主要规定了以下内容：一是进一步完善矿业权制度。对矿业权的设立、出让、续期、转让等作出具体规定；二是细化矿产资源勘查、开采相关制度；三是细化矿区生态修复相关制度；四是进一步完善矿产资源储备和应急制度，明确构建战略性矿产资源储备体系应当遵循的原则；五是进一步完善监督管理制度，完善法律责任，明确相关违法行为涉及战略性矿产资源的，在法定幅度内从重处罚。

The *Regulations*, consisting of 8 chapters and 79 articles, mainly provides for the following: first, further improving the mining rights system by setting forth specific provisions on the establishment, granting, renewal, and transfer of mining rights; second, refining the systems related to mineral resources exploration and exploitation; third, refining the systems related to ecological restoration in mining areas; fourth, further improving the systems for mineral resources reserve and emergency response, and clarifying the principles to be followed in establishing a strategic mineral resources reserve system; fifth, further improving the supervision and management system, refining legal liabilities, and clarifying that where an illegal act involves



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strategic mineral resources, a heavier penalty shall be imposed within the statutory range.

(Source: [https://www.gov.cn/zhengce/content/202604/content\\_7065009.htm](https://www.gov.cn/zhengce/content/202604/content_7065009.htm)  
[https://www.moj.gov.cn/pub/sfbgw/gwxw/xwyw/202605/t20260520\\_535326.html](https://www.moj.gov.cn/pub/sfbgw/gwxw/xwyw/202605/t20260520_535326.html))

#### 4. 国家矿山安监局就《矿山安全法》征求意见 2026.05.21 NMSA Seeks Comments on the Mine Safety Law

国家矿山安监局研究起草了《中华人民共和国矿山安全法（修订草案征求意见稿）》（下称“《草案》”），现向社会公开征求意见，对公平竞争影响的意见反馈截止时间为 2026 年 5 月 30 日，其他意见反馈截止时间为 2026 年 6 月 20 日。

The National Mine Safety Administration (NMSA) has drafted the *Mine Safety Law of the People's Republic of China (Draft Revision for Comment)* (the “Draft”), which seeks for public comments on its impact on fair competition by May 30<sup>th</sup>, 2026, on other comments by June 20<sup>th</sup>, 2026.

《草案》共 8 章 97 条，主要修改了以下内容：（一）进一步完善矿山安全工作原则要求；（二）进一步明确矿山安全监管监察职责；（三）进一步强化从源头上防范化解矿山安全风险；（四）进一步强化矿山企业主体责任；（五）进一步完善矿山安全管理，强化人人讲安全、个个会应急。

The *Draft*, consisting of 8 chapters with 97 articles, mainly includes the following revisions: (1) further improvement of the principles and requirements for mine safety work; (2) further clarification of the responsibilities for mine safety supervision and inspection; (3) further strengthening of the prevention and resolution of mine safety risks at the source; (4) further reinforcement of the primary responsibilities of mining enterprises; (5) further improvement of mine safety management, emphasizing that everyone emphasizes safety and everyone is capable of emergency response.

(Source: [https://www.chinamine-safety.gov.cn/zfxxgk/fdzdgknr/zqyj\\_01/202605/t20260521\\_604480.shtml](https://www.chinamine-safety.gov.cn/zfxxgk/fdzdgknr/zqyj_01/202605/t20260521_604480.shtml))

#### 5. 八部门整治非法跨境证券期货基金经营活动 2025.05.22 Eight Departments Combat Illegal Cross-border Securities, Futures, and Fund Business Activities



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为进一步防范和打击非法跨境证券期货基金经营活动，维护金融市场秩序和投资者合法权益，中国证券监督管理委员会等八部门发布《综合整治非法跨境证券期货基金经营活动实施方案》（下称“《方案》”）。

To further prevent and combat illegal cross-border securities, futures, and fund business activities, and to maintain the order of the financial market and protect the legitimate rights and interests of investors, the China Securities Regulatory Commission (CSRC) and seven other departments have issued the *Implementation Plan for Comprehensive Remediation of Illegal Cross-Border Securities, Futures, and Fund Business Activities* (“Plan”).

《方案》的主要任务包括：（一）全面开展监测排查；（二）强化互联网平台和信息清理；（三）加强境外机构等约谈督促；（四）开展重点案件调查处罚；（五）坚决处置非法跨境经营活动及其主体；（六）加强相关跨境证券期货基金投资管理；（七）强化跨境监管协作；（八）保护投资者合法权益；（九）做好政策宣传引导；（十）完善监管制度，引导合规投资。

The main tasks of the *Plan* include: (1) comprehensively conducting monitoring and screening; (2) strengthening internet platform and information cleanup; (3) enhancing interviews and supervision of overseas institutions; (4) carrying out investigation and penalties on key cases; (5) resolutely addressing illegal cross-border business activities and their operators; (6) strengthening the management of related cross-border securities, futures, and fund investments; (7) reinforcing cross-border regulatory cooperation; (8) protecting the legitimate rights and interests of investors; (9) ensuring policy publicity and guidance; (10) improving the regulatory framework to guide compliant investments.

(Source: <https://www.csrc.gov.cn/csrc/c100028/c7634326/content.shtml>)

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