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法律法规简报

Legal Update

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1. 国务院印发《“十五五”碳达峰行动方案》 2026.07.05 State Council Releases the Action Plan for Carbon Peaking During the “15th Five-Year”

“十五五”时期是实现碳达峰的关键期、攻坚期。为积极稳妥推进和实现碳达峰，加快经济社会发展全面绿色转型，根据生态环境法和《碳达峰碳中和综合评价考核办法》等有关要求，国务院制定了《“十五五”碳达峰行动方案》（以下简称“《方案》”）。

The “15th Five-Year Plan” period is a critical and decisive phase for achieving carbon peaking. To steadily advance and attain carbon peaking goals while accelerating the comprehensive green transformation of economic and social development, the State Council has formulated the *Action Plan for Carbon Peaking During the “15th Five-Year”* (the “Plan”), in accordance with the *Ecological Environment Code* and the *Comprehensive Evaluation and Assessment Measures for Carbon Peaking and Carbon Neutrality* and other relevant requirements.

《方案》提出到 2030 年，我国单位国内生产总值二氧化碳排放比 2025 年降低 17%，非化石能源消费占比达到 25%，确保如期实现碳达峰目标，为实现 2035 年国家自主贡献目标、推进碳中和奠定坚实基础。《方案》明确应加快能源结构调整优化，推进产业绿色化低碳化，深化重点领域绿色低碳转型，强化支撑保障，凝聚各方合力并加强组织实施。

The *Plan* proposes that, by 2030, carbon dioxide emissions per unit of GDP will be reduced by 17% compared with the 2025 level, and the share of non-fossil energy consumption will reach 25%. These targets are designed to ensure the timely achievement of carbon peaking, thereby laying a solid foundation for meeting the national independent contribution goals by 2035 and advancing the long-term objective of carbon neutrality. The *Plan* further specifies the need to accelerate the adjustment and optimization of the energy structure, promote green and low-carbon industrial transformation, deepen the green and low-carbon transition across key sectors, strengthen supporting safeguards, consolidate collective efforts, and enhance the organization and implementation.

(Source: https://www.gov.cn/zhengce/content/202607/content_7074826.htm)

2. 商务部发布 2026 年农产品出口配额第二次分配方案 2026.7.20 MOFCOM Issues the 2026 Second Allocation Plan for Agricultural Product Export Quotas



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根据《中华人民共和国货物进出口管理条例》等有关规定，参照国际市场供需情况及各地出口配额执行情况，商务部制定了《2026 年农产品出口配额第二次分配方案》（以下简称“《分配方案》”）。

In accordance with the *Regulations of the People's Republic of China on the Administration of Import and Export of Goods* and other relevant provisions, and with reference to international market supply and demand dynamics as well as the implementation of export quotas across various regions, the Ministry of Commerce has formulated the *2026 Second Allocation Plan for Agricultural Product Export Quotas* (the “Allocation Plan”).

《分配方案》要求各地商务主管部门应及时做好供港澳活大猪和活牛、边贸大米、边贸小麦粉、锯材出口配额的二次分配和核查、反馈工作，配额应重点分配给完成率高、经营能力强、货源质量好、品牌信誉度高的企业。统筹本地区出口实际，发挥配额导向作用，合理把握发放节奏。密切跟踪配额使用进度，做好配额动态调剂，提高配额使用率。获得配额企业应合法依规经营，符合安全生产、环保、税务、海关和外汇管理法律法规，无未整改违法违规行为。

The *Allocation Plan* requires that local commerce authorities promptly carry out the second allocation, verification, and reporting of export quotas for live pigs and live cattle destined for Hong Kong and Macao, border trade rice, border trade wheat flour, and sawn timber. Quotas shall be prioritized for enterprises with high completion rates, strong operational capabilities, high-quality supply sources, and strong brand credibility. Authorities shall take into account the actual export conditions of their respective regions, leverage the guiding role of quotas, and reasonably control the pace of issuance. They shall closely monitor the utilization progress of quotas, make dynamic adjustments to quota allocations, and improve the overall utilization rate of quotas. Enterprises that obtain quotas shall operate in compliance with laws and regulations, conform to laws and regulations on work safety, environmental protection, taxation, customs, and foreign exchange administration, and shall have no outstanding violations or non-compliant conduct that remain unrectified.

(Source:

https://www.mofcom.gov.cn/zcfb/dwmygl/art/2026/art_f79ade1daaf3408c92c46d18ae5b7f5c.html)

3. 生态环境部就全国碳市场四行业配额方案征求意见 2026.07.22
MEE Solicits Public Comments on the Quota Plan for Four Industries under the National Carbon Emissions Trading Market



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为切实做好发电、钢铁、水泥、铝冶炼行业配额分配工作，进一步发挥市场机制对控制温室气体排放、降低全社会减排成本的重要作用，根据《碳排放权交易管理暂行条例》，生态环境部组织编制了《全国碳排放权交易市场 2025、2026 年度发电行业以及 2026 年度钢铁、水泥、铝冶炼行业配额总量和分配方案（征求意见稿）》（以下简称“《征求意见稿》”），现公开征求意见，截止日期为 2026 年 8 月 5 日。

To effectively carry out the quota allocation for the power generation, steel, cement, and aluminum smelting industries, and to further leverage the important role of market mechanisms in controlling greenhouse gas emissions and reducing overall abatement costs for society, the Ministry of Ecology and Environment, in accordance with the *Interim Regulations on the Administration of Carbon Emissions Trading*, has prepared the *Total Quota and Allocation Plan for the Power Generation Industry for 2025-2026 and for the Steel, Cement, and Aluminum Smelting Industries for 2026 under the National Carbon Emissions Trading Market Draft* (the “Draft”), which is now soliciting public comments by August 5th, 2026.

《征求意见稿》主要内容包括：一是提出总体思路和基本原则。二是确定各行业实施周期。三是明确发电、钢铁、水泥、铝冶炼行业重点排放单位配额分配的方法和规则。四是明确配额发放流程按照预分配、核定两步实施。五是明确配额清缴的流程和省级生态环境主管部门、重点排放单位等的主体责任。The *Draft* mainly includes the following: First, it sets forth the overall framework and basic principles. Second, it determines the implementation cycle for each industry. Third, it specifies the allocation methods and rules for key emitting entities in the power generation, steel, cement, and aluminum smelting industries. Fourth, it clarifies that the quota issuance process shall follow a two-step approach: preliminary allocation and final verification. Fifth, it defines the procedures for quota compliance and the respective responsibilities of provincial-level competent authorities for ecology and environment, key emitting entities, and other stakeholders.

(Source:

https://www.mee.gov.cn/xxgk2018/xxgk/xxgk06/202607/t20260727_1162839.html)

4. 两高修改内幕交易、泄露内幕信息犯罪司法解释 2026.7.24 SPC and SPP Revise Judicial Interpretation on the Crimes of Insider Trading and Disclosure of Inside Information

最高人民法院、最高人民检察院联合发布《关于修改〈最高人民法院、最高人民检察院关于办理内幕交易、泄露内幕信息刑事案件具体应用法律若干问题的解释〉的决定》（法释〔2026〕13 号，以下简称“《修改决定》”），自 2026 年 7 月 27 日起施行。



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The Supreme People's Court (SPC) and the Supreme People's Procuratorate (SPP) jointly issued the *Decision on Amending the Interpretation of the Supreme People's Court and the Supreme People's Procuratorate on Several Issues Concerning the Specific Application of Law in Handling Criminal Cases of Insider Trading and Disclosure of Inside Information* (Judicial Interpretation No. 13 [2026], the "Amending Decision"), which took effect on July 27th, 2026.

《修改决定》坚持依法严惩内幕交易、泄露内幕信息犯罪，助力资本市场法治建设，积极营造公开公平公正的市场环境，切实维护投资者合法权益。一是进一步明确关键主体更严格的法律责任。二是进一步完善内幕交易阻却事由。三是确保规范体系协调一致。

The *Amending Decision* adheres to the principle of severely punishing insider trading and the disclosure of inside information in accordance with the law, supports the rule-of-law development of the capital market, actively fosters a fair, open, and equitable market environment, and effectively safeguards the legitimate rights and interests of investors. First, it further clarifies the stricter legal liabilities of key responsible parties. Second, it further refines the affirmative defenses for insider trading. Third, it ensures consistency and coherence across the regulatory framework.

(Source: https://www.spp.gov.cn/xwfbh/wsfbt/202607/t20260724_732702.shtml
https://en.spp.gov.cn/2026-07/24/c_1200221.htm)

5. 药监局就《医疗器械网络销售监督管理办法》征求意见 2026.07.26 NMPA Solicits Public Comments on the Measures for the Supervision and Administration of Online Sales of Medical Devices

为进一步加强医疗器械网络销售监管，保障人民群众用械安全，国家药品监督管理局组织起草《医疗器械网络销售监督管理办法（修订草案征求意见稿）》（以下简称“《征求意见稿》”），现向社会公开征求意见，截止日期为2026年8月26日。

To further strengthen the supervision of online sales of medical devices and ensure the safety of medical devices used by the public, the National Medical Products Administration has drafted the *Measures for the Supervision and Administration of Online Sales of Medical Devices (Revised Draft for Public Comments)* (the "Draft"), with the full text announced to solicit public comments by August 26th, 2026.

《征求意见稿》对医疗器械的网络销售经营者经营规模、经营范围、经营方式等作出规定，对医疗器械网络交易服务中经营者的资质、直播营销人员的培训与管理以及直播营销的范围均作出了限制。《征求意见稿》要求，医疗器



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械电子商务平台经营者应当依据相关法律法规、服务协议建立黑名单制度，及时采取警示提醒、限制功能、暂停网络交易及直播、注销账号等措施。《征求意见稿》还提出，药品监管部门可以对为医疗器械网络销售提供产品或者服务的其他相关单位和个人进行延伸检查。

The *Draft* stipulates provisions regarding the business scale, scope, and methods of online medical device sellers, and imposes restrictions on the qualifications of operators in medical device online trading services, as well as on the training and management of livestreaming hosts and the scope of livestreaming marketing. It requires that operators of e-commerce platforms for medical devices establish a blacklist system in accordance with relevant laws, regulations, and service agreements, and take timely measures such as warning reminders, function restrictions, suspension of online transactions and livestreaming, and account cancellation. It also proposes that drug regulatory authorities may conduct extended inspections on other relevant entities and individuals that provide products or services for online medical device sales.

(Source: <https://www.nmpa.gov.cn/xxgk/zhqyj/zhqyjylqx/20260727172136110.htm>)

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