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法律法规简报

Legal Update

2026-01



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1. 五部门发布《加强期现联动 提升有色金属大宗商品能级行动方案》 2025.12.30 Five Departments Issue Action Plan to Strengthen Futures-Spot Linkage Enhance the Competitiveness of Non-ferrous Metal Commodities

为加强期现联动，提升上海市有色金属大宗商品能级和全球定价影响力，依托上海“五个中心”建设和金融要素市场齐全的优势，上海市商务委员会等五部门制定《加强期现联动 提升有色金属大宗商品能级行动方案》（以下简称“《行动方案》”）。

In order to enhance the linkage between futures and spot markets and elevate Shanghai's capabilities in non-ferrous metal commodities and its global pricing influence, the Shanghai Municipal Commission of Commerce and four other departments have formulated the *Action Plan to Strengthen Futures-Spot Linkage Enhance the Competitiveness of Non-ferrous Metal Commodities* (the “*Action Plan*”), on the basis of Shanghai's strengths as a “five-center” construction and its comprehensive financial infrastructure.

《行动方案》从推进有色金属市场互通，促进期-现-衍联动发展、提升有色金属大宗商品期现货市场国际化水平；增强“上海价格”影响力、集聚市场主体；培育良好有色金属市场生态圈三方面共提出 18 项具体措施，旨在强化期现联动，提升上海有色金属大宗商品全球资源配置能力与定价影响力。

The *Action Plan* proposes 18 specific measures in three key areas: advancing connectivity in non-ferrous metal markets, promoting integrated development of futures, spot and derivatives markets; enhancing the influence of “Shanghai Price”, gathering market participants; developing a healthy non-ferrous metal market ecosystem. These measures aim to strengthen futures-spot linkage, elevate Shanghai's global resource allocation capabilities for non-ferrous metal commodities, and amplify its pricing influence.

(Source:

<https://jrj.sh.gov.cn/zwdt-tz/20260120/0f556ee7993547639cdd179cc83bcb29.html>

<https://www.news.cn/local/20260122/34e0693750184246aa9e0352e27bcb4e/c.html>)

2. 国务院公布《商事调解条例》 2026.01.06 State Council Publishes Commercial Mediation Regulations

为了规范商事调解活动，有效解决商事争议，保护当事人合法权益，促进商事调解行业发展，优化营商环境，国务院制定了《商事调解条例》，自 2026 年 5 月 1 日起施行。



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To regulate commercial mediation activities, effectively resolve commercial disputes, protect the lawful rights and interests of parties involved, promote the development of the commercial mediation industry, and optimize the business environment, the State Council has formulated the *Commercial Mediation Regulations*, which shall come into effect on May 1st, 2026.

《商事调解条例》主要从明确商事调解组织设立及管理运行要求、商事调解活动的基本规则等方面予以规范：一是明确商事调解组织设立的条件、程序等，强调商事调解组织的非营利性，同时规定商事调解员应当符合的条件。二是要求商事调解组织应当建立利益冲突审查、投诉处理等内部管理制度，及时向社会公开商事调解员名册、调解规则等信息。三是明确商事调解活动应当遵循自愿、合法、诚信、保密的原则。四是规定商事调解员在调解过程中应当保持中立，勤勉尽责，遵守职业道德和执业行为规范，履行保密义务和披露义务。五是明确商事调解组织可以收取商事调解费用，按照公平、合理的原则制定商事调解费用标准，并向社会公开。

The *Commercial Mediation Regulations* primarily standardize the establishment and operational management of commercial mediation organizations, the fundamental rules governing commercial mediation activities: (1) clarifying the conditions and procedures for the establishment of commercial mediation organizations, stressing their non-profit nature while specifying the qualifications required for commercial mediators; (2) requiring commercial mediation organizations to establish internal management systems for conflict of interest reviews and complaint handling mechanisms, and promptly disclose information such as the roster of commercial mediators and mediation rules to the public; (3) clarifying the principles of voluntariness, legality, integrity, and confidentiality that commercial mediation activities shall adhere to; (4) stipulating that commercial mediators must maintain neutrality, act diligently, comply with professional ethics and practice standards, and fulfill confidentiality and disclosure obligations during mediation; (5) specifying that commercial mediation organizations may charge mediation fees, which shall be established based on fair and reasonable principles and disclosed to the public.

(Source: https://www.gov.cn/zhengce/content/202601/content_7054049.htm)

3. 11 部门联合印发《上海市鼓励外商投资企业境内再投资若干措施》 2026.01.07 Eleven Departments Jointly Issue Several Measures to Encourage Foreign-Invested Enterprises in Shanghai to Reinvest Domestically

鼓励外商投资企业境内再投资是落实党中央、国务院有关扩大高水平对外开放，深化外商投资体制机制改革的重要内容。经上海市市政府同意，市发展



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改革委、市商务委等 11 个部门联合印发了《上海市鼓励外商投资企业境内再投资若干措施》（以下简称“《措施》”）。

Encouraging domestic reinvestment by foreign-invested enterprises is a key component of implementing the decisions of the CPC Central Committee and the State Council regarding expanding high-level opening-up and deepening reforms to the foreign investment system and mechanisms. With the approval of the Shanghai Municipal Government, the Municipal Development and Reform Commission, the Municipal Commerce Commission, and 9 other departments jointly issued the *Several Measures to Encourage Foreign-Invested Enterprises in Shanghai to Reinvest Domestically* (the “Measures”).

《措施》在鼓励企业境内再投资方面，共 15 条，包括：支持多种方式再投资、强化项目协调服务、优化土地要素配置、鼓励技术升级改造、引导支持国内生产、支持加大研发创新力度、支持参加服务业对外开放试点、简化医疗器械转产流程、落实利润再投资税收政策、引导外商投资鼓励类产业、优化外汇登记和资金使用流程、深化合格境外有限合伙人试点、拓宽再投资融资渠道等。

《措施》在优化投资促进服务方面，共 5 条，包括：推动构建高水平招商引资新模式、加强中心城区和新城招商对接、推进境内投资信息报告试点、开展外商投资促进成效评价试点、加强投资促进政策宣传等。

The *Measures* include 15 provisions to encourage domestic reinvestment by enterprises, covering: supporting diverse reinvestment methods, strengthening project coordination services, optimizing land resource allocation, encouraging technological upgrades and renovations, guiding and supporting domestic production, supporting increased R&D and innovation efforts, supporting participation in service sector opening-up pilot programs, simplifying medical device conversion processes, implementing profit reinvestment tax policies, guiding foreign investment toward encouraged industries, optimizing foreign exchange registration and fund utilization procedures, deepening the qualified foreign limited partner pilot program, and expanding financing channels for reinvestment, etc. The *Measures* include 5 provisions to optimize investment promotion services, covering: promoting the establishment of new high-level investment attraction models, strengthening investment promotion coordination between central urban areas and new cities, advancing pilot programs for domestic investment information reporting, conducting pilot evaluations of foreign investment promotion effectiveness, and enhancing publicity of investment promotion policies.

(Source:

<https://jrj.sh.gov.cn/ZXYW178/20260107/fd9bd29461d94449a7a35d603bdb7801.html>)



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4. 证监会就《衍生品交易监督管理办法》征求意见 2026.01.16 CSRC Seeks Comments on the Administration Measures for the Supervision of Derivatives Trading

为落实《中华人民共和国期货和衍生品法》规定，促进衍生品市场规范健康发展，中国证监会在总结实践经验的基础上，起草形成了《衍生品交易监督管理办法（试行）（征求意见稿）》（以下简称“《征求意见稿》”），意见反馈截止时间为 2026 年 2 月 16 日。

In order to implement the provisions of the *Futures and Derivatives Law of the People's Republic of China* and promote the standardized and healthy development of the derivatives market, the China Securities Regulatory Commission (CSRC), based on summarizing practical experience, has drafted the *Administrative Measures for the Supervision of Derivatives Trading (Trial) (Draft for Comment)* (the “Draft”) for public comments by February 16th, 2026.

《征求意见稿》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，主要包括以下内容：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；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，鼓励利用衍生品市场从事套期保值等风险管理活动，支持开发满足中长期资金风险管理需求的衍生品，依法限制过度投机行为；明确衍生品合约的开发条件及程序，基本交易规则，明确履约保障制度；明确交易者适当性标准；加强衍生品监测监控与跨市场监管等。

The *Draft* sets forth provisions on derivatives trading and settlement, derivatives traders, derivatives operators, derivatives market infrastructure, supervision and management, and legal liabilities, primarily including the following: defining the scope of application, and specifying that derivatives trading and related activities subject to the CSRC’s supervision shall be governed by the Draft; clarifying the functional positioning of the derivatives market in terms of risk management, resources allocation, and serving the real economy, encouraging the use of the derivatives market for risk management activities such as hedging, supporting the development of derivatives that meet the risk management needs of medium- and long-term capital and restricting excessive speculative activities in accordance with the law; specifying the conditions and procedures of the development, basic trading rules, performance assurance mechanism of derivatives contracts; defining trader suitability standards; strengthening monitoring and surveillance of derivatives trading and enhancing cross-market supervision, etc.

(Source: <https://www.csrc.gov.cn/csrc/c101981/c7609504/content.shtml>)



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5. 最高法发布关于审理矿产资源纠纷案件解释 2026.01.19 **SPC Releases Judicial Interpretation on the Trial of Mineral Resources Dispute Cases**

为正确审理矿产资源纠纷案件，加强矿产资源和生态环境保护，依法保护当事人合法权益，维护市场秩序和交易安全，最高人民法院正式发布《最高人民法院关于审理矿产资源纠纷案件适用法律若干问题的解释》（以下简称“《解释》”），自 2026 年 2 月 1 日起施行。

To ensure the proper trial of mineral resource dispute cases, strengthen the protection of mineral resources and the ecological environment, safeguard the lawful rights and interests of parties in accordance with the law, and maintain market order and transaction security, the Supreme People's Court (SPC) has formally issued the *Interpretation of the Supreme People's Court on Several Issues Concerning the Application of Law in the Trial of Mineral Resource Dispute Cases* (the "*Interpretation*"), which shall come into effect on February 1st, 2026.

《解释》共二十三条，主要内容包括：一是规定矿业权出让合同的生效和解除。二是规定未设置矿业权勘查、开采合同的效力。三是规定特殊区域内勘查、开采合同的效力。四是规定矿业权转让、作价出资、抵押，合作勘查、开采等流转合同的效力。五是规定越界勘查、开采的损失范围。六是规定涉公共利益建设项目压覆矿产资源的补偿责任及其范围。

Interpretation consists of 23 articles, mainly involving: (1) stipulating the effectiveness and termination of contracts on the grant of mineral rights; (2) stipulating the validity of exploration and mining contracts concluded without the establishment of mineral rights; (3) stipulating the validity of exploration and mining contracts in special areas; (4) stipulating the validity of transfer contracts, including the transfer contracts of mineral rights, capital contribution at appraised value, mortgage, and cooperative exploration and mining; (5) stipulating the scope of losses arising from cross-boundary exploration and mining; (6) stipulating the compensation liability and scope for mineral resources overlaid by construction projects involving the public interest.

(Source: <https://www.court.gov.cn/zixun/xiangqing/487001.html>)

6. 海关总署启动进出口货物多式联运业务模式试点 2026.01.20 **GAC Launches the Pilot Program for Multimodal Transport Business Model for Import and Export Goods**



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为支持多式联运高质量发展，提高国际多式联运货物通关便利化水平，海关总署发布海关总署公告 2026 年第 12 号（以下简称“《公告》”），决定在前期试点基础上，启动进出口货物海铁联运和水水中转多式联运监管模式试点。《公告》自 2026 年 1 月 27 日起实施。

In order to support the high-quality development of multimodal transport and enhance the customs clearance efficiency for international multimodal goods, the General Administration of Customs (GAC) issued *GAC Announcement 2026 No. 12* (the “*Announcement*”). Building upon previous pilot programs, the *Announcement* launches a pilot program for the regulatory model of sea-rail intermodal transport and water-water transshipment multimodal transport for import and export goods. The *Announcement* came into effect on January 27th, 2026.

《公告》所称多式联运是指货物载运方式为集装箱载运，且境内运输方式为铁路运输或水路运输、进出境运输方式为水路运输的联运模式。企业可以根据自身需要开展多式联运监管模式试点。多式联运货物运输过程中应施加封志，联运经营人在联运过程中应保持封志完好。未经海关同意，不得擅自开启或者损毁海关施加的封志。境内运输方式为水运或铁路的多式联运货物，商业封志完好的，可以不施加海关封志。需施加海关封志的，应由货物所在地海关在海关监管作业场所施加。

The term “multimodal transport” as defined in the *Announcement* refers to a transport model where goods are carried in containers, with domestic transport conducted via rail or waterway and international transport via waterway. Enterprises may conduct pilot programs for multimodal transport supervision models according to their operational needs. Customs seals shall be affixed during the transportation of multimodal cargo. Multimodal transport operators shall ensure the integrity of customs seals throughout the transport process. Customs seals affixed by customs authorities shall not be opened or damaged without prior customs approval. For multimodal cargo transported domestically by water or rail, customs seals need not be affixed if commercial seals remain intact. Where customs seals are required, they shall be affixed by the customs office at the location of the goods within the customs supervision area.

(Source:

http://wss.customs.gov.cn/customs/2026-01/20/article_2026012017541038523.htm)

7. 市场监管总局同意长三角地区开展医疗器械广告跨区域审查试点 2026.01.28
SAMR Approves the Pilot Program for Cross-Regional Review of Medical Device Advertising in the Yangtze River Delta Region



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为纵深推进全国统一大市场建设，推动长三角市场监管一体化发展，近日，市场监管总局批复同意上海市、江苏省、浙江省、安徽省市场监管局在长三角地区开展医疗器械广告跨区域审查试点工作。

In order to deepen the development of a unified national market and advance the integrated market regulation of the Yangtze River Delta region, the State Administration for Market Regulation (SAMR) recently approved the pilot program for cross-regional review of medical device advertising in the Yangtze River Delta region, to be conducted by the market regulation bureaus of Shanghai, Jiangsu, Zhejiang, and Anhui provinces.

试点工作聚焦医疗器械广告审查中的堵点问题，通过创新审批模式，对符合条件的医疗器械广告审查申请，在长三角地区实行“一次申请、一地审查、一号核发”，从“小切口”入手，通过务实举措，切实降低广告申请人办事成本，持续优化营商环境，提高服务企业效能，为改革完善广告审查管理制度探索积累可复制、可推广的经验。

The pilot program targets bottlenecks in medical device advertising reviews by innovating approval models. For eligible advertising applications within the Yangtze River Delta region, it implements a “single application, single location review, single issuance” system. By focusing on “small specific areas” and adopting practical measures, the pilot program effectively reduces administrative burdens for applicants, continuously optimizes the business environment, enhances service efficiency for enterprises, and explores replicable and scalable experiences for reforming and improving advertising review management systems.

(Source:

https://www.samr.gov.cn/zw/zfxxgk/fdzdgnr/ggjgs/art/2026/art_95504b8e52e54dc69b469353942c04b5.html

<https://yjj.sh.gov.cn/zjyw/20260128/a723d97b846843e780831a8a8fc26998.html>)

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