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法律法规简报 2023-04-28

Legal Update 2023-04-28

目录

Contents

- ◆ [证监会发布修订后《期货交易所管理办法》](#)
CSRC Issues the Revised Administrative Measures for Futures Exchanges
- ◆ [海关总署发文加强进口危险化学品检验监管](#)
GAC to Strengthen the Inspection and Regulation of Imported Hazardous Chemicals
- ◆ [证监会就修订《期货从业人员管理办法》征求意见](#)
CSRC Seeks Comments on Revising the Administrative Measures for Futures Practitioners
- ◆ [信安标委就网络数据安全风险评估实施指引征求意见](#)
NISSTC Seeks Comments on Practical Guide to Cybersecurity Standard -- Implementation Guidelines for Risk Assessment of Network Data Security

一、证监会发布修订后《期货交易所管理办法》 2023.04.03

CSRC Issues the Revised Administrative Measures for Futures Exchanges

日前，中国证券监督管理委员会发出《期货交易所管理办法》（下称《办法》），自 2023 年 5 月 1 日起施行。



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The China Securities Regulatory Commission (CSRC) has recently issued the *Administrative Measures for Futures Exchanges* (the “*Measures*”) with effect from May 1, 2023.

此次对《办法》的修订主要涉及以下几方面内容：一是坚持党对期货交易所的领导，进一步增强期货交易所党组织建设要求。二是落实《期货和衍生品法》要求，健全和完善相关制度规定。三是优化期货交易所内部治理，完善组织架构和运行机制。四是强化期货交易所风险管理责任，维护市场安全。五是压实期货交易所责任，促进期货市场健康发展。此外，结合《期货和衍生品法》相关规定，《办法》还对相关条文内容进行了适应性调整。

The revisions to the *Measures* mainly touch upon the following aspects: (1) adhering to the leadership of the Communist Party of China and further enhancing the requirements on the building of party organizations in futures exchanges; (2) implementing the requirements of the *Futures and Derivatives Law*, and perfecting relevant rules; (3) optimizing the internal governance of futures exchange, and improving their organizational structure and operating mechanism; (4) strengthening risk control responsibilities to be assumed by futures exchanges and safeguarding market security; (5) reinforcing the responsibilities of futures exchanges, and promoting the healthy development of futures market. In addition, the *Measures* adjusts the text of some articles to adapt to relevant provisions of the *Futures and Derivatives Law*.

(Source: <http://www.csrc.gov.cn/csrc/c101953/c7399274/content.shtml>)

二、海关总署发文加强进口危险化学品检验监管 2023.04.10

GAC to Strengthen the Inspection and Regulation of Imported Hazardous Chemicals

日前，海关总署发出 2023 年第 29 号公告，明确将加强进口危险化学品检验监管。公告自 4 月 13 日起实施。



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The General Administration of Customs (GAC) has recently released the *Announcement [2023] No. 29*, calling for strengthening the inspection and regulation of imported hazardous chemicals. The *Announcement* shall become effective from April 13, 2023.

公告规定, 对进口危险化学品实施批批“审单验证+口岸检验或者目的地检验”模式, 根据进口危险化学品属性和危险货物包装类型设定检验作业环节(地点)和比例。公告进一步指出, 进口危险化学品的收货人或者代理人报关时, 应在“中国国际贸易单一窗口”如实填报货物属性、检验检疫名称、危险类别、包装类别、联合国危险货物编号(UN 编号)、危险货物包装标记(包装 UN 标记)和目的地检验检疫机关等, 并按照申报货物项分别上传海关总署公告 2020 年第 129 号要求提交的相关材料。进口危险化学品的收货人或者代理人报关后, 应及时通过“中国国际贸易单一窗口”查询检查通知。

According to the *Announcement*, the mode of “document review and verification + port inspection or destination inspection” shall be implemented for each batch of imported hazardous chemicals, and the inspection operation links (locations) and proportions shall be set based on the properties of imported hazardous chemicals and the packing type of hazardous goods. The *Announcement* further stipulates that, when the consignee or agent of imported hazardous chemicals conducts customs declaration, it shall truthfully submit, via the “single window” for China’s international trade, the properties of the goods, inspection and quarantine titles, hazard categories, packing categories, United Nations numbers for hazardous goods (UN number), hazardous goods packing mark (UN mark on packing), and the destination inspection and quarantine authority, and upload the relevant materials required in the *Announcement of the General Administration of Customs [2020] No. 129* for each item of declared goods. After the consignee or agent of imported hazardous chemicals conducts customs declaration, it shall check relevant notices via the “single window” in a timely manner.

(Source: <http://www.customs.gov.cn/customs/302249/2480148/4945781/index.html>)

三、证监会就修订《期货从业人员管理办法》征求意见 2023.04.17



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CSRC Seeks Comments on Revising the Administrative Measures for Futures Practitioners

近日，中国证券监督管理委员会发布《期货从业人员管理办法（征求意见稿）》（下称《征求意见稿》），现向社会征求意见，意见反馈截止于 5 月 14 日。

Recently, the China Securities Regulatory Commission (CSRC) has issued the *Administrative Measures for Futures Practitioners (Draft for Comment)* (the “Draft”), which is open for public comments until May 14, 2023.

《征求意见稿》修订的主要内容如下：一是优化期货从业人员管理方式，取消从业资格管理要求。二是完善期货从业人员执业规范，增加禁止行为规定。三是压实机构的管理责任，完善期货从业人员管理机制。《征求意见稿》明确期货从业人员不得私下接受客户委托从事期货交易，不得直接或者以化名、借他人名义参与期货交易。期货公司的期货从业人员不得违规从事期货交易咨询、期货做市交易、期货保证金融资、期货自营、衍生品交易、资产管理等业务。

The *Draft* proposes the following main revisions: firstly, optimizing the management of futures practitioners by cancelling the management requirements for practitioner qualifications; secondly, improving the code of practice for futures practitioners and adding provisions for prohibited behavior; thirdly, enhancing the management responsibilities of institutions and improving the management mechanism for futures practitioners. The *Draft* also clarifies that futures practitioners are prohibited from privately accepting client orders for futures trading and from participating in futures trading directly or under an assumed name or the name of another person. Additionally, futures practitioners of futures companies are prohibited from engaging in prohibited activities such as futures trading consultation, futures market making, futures margin financing, futures proprietary trading, derivative trading, asset management, and other businesses.

(Source: <http://www.csrc.gov.cn/csrc/c101981/c7402440/content.shtml>)



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四、信安标委就网络数据安全风险评估实施指引征求意见 2023.04.18

NISSTC Seeks Comments on Practical Guide to Cybersecurity Standard-- Implementation Guidelines for Risk Assessment of Network Data Security

日前, 全国信息安全标准化技术委员会发布《网络安全标准实践指南—网络数据安全风险评估实施指引(征求意见稿)》(下称《征求意见稿》), 面向社会征求意见, 意见反馈截止于 5 月 2 日。

Recently, the National Information Security Standardization Technical Committee (NISSTC) has released the *Practical Guide to Cybersecurity Standard -- Implementation Guidelines for Risk Assessment of Network Data Security (Draft for Comment)* (the “Draft”), which is open for public comments until May 2, 2023.

《征求意见稿》提出了网络数据安全风险评估思路、主要工作内容、流程和方法, 提出从数据安全、数据处理活动、数据安全、个人信息保护等方面评估安全风险。其适用于指导数据处理者自行开展风险评估, 也可为有关主管监管部门组织开展数据安全评估提供参考。《征求意见稿》进一步明确, 网络数据安全风险评估流程, 主要包括评估准备、信息调研、风险评估、综合分析、评估总结五个阶段。

The *Draft* presents the idea, main contents, processes, and methods of assessing risks to network data security and proposes assessing security risks from the data security management, data processing activities, data security technology, and personal information protection. This standard can guide data processors in carrying out risk assessment on their own and provide reference for relevant competent regulatory authorities to organize data security inspections and assessments. The *Draft* further outlines five stages of the data security risk assessment process: assessment preparation, information research, risk assessment, comprehensive analysis, and assessment summary.

(Source: <https://www.tc260.org.cn/front/postDetail.html?id=20230418101059>)

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