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## 法律法规简报 2023-06-30

## Legal Update 2023-06-30

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### 一、国务院公布 2023 年度立法工作计划 2023.06.07

#### State Council Unveils 2023 Legislative Plan

近日，国务院办公厅印发《国务院 2023 年度立法工作计划》（下称《计划》）。

The General Office of the State Council has recently issued the *2023 Legislative Plan of the State Council* (the "Plan").



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《计划》在加快构建新发展格局、着力推动高质量发展方面，提请全国人大常委会审议关税法草案、反洗钱法修订草案等。制定非银行支付机构条例、国有企业管理人员处分条例等，修订国务院关于经营者集中申报标准的规定、商用密码管理条例。预备提请全国人大常委会审议消费税法草案、反不正当竞争法修订草案、税收征收管理法修订草案、商业银行法修订草案、银行业监督管理法修订草案、中国人民银行法修订草案、保险法修订草案等。预备制定上市公司监督管理条例等。同时，在完善国家安全法治体系、维护国家安全和社会稳定方面，《计划》提请全国人大常委会审议保守国家秘密法修订草案等；制定网络数据安全管理条例等；预备制定两用物项出口管制条例等。

According to the *Plan*, in terms of accelerating the building of new development paradigm, and promoting high-quality development, the *draft Tariff Law*, the *draft revision to Anti-Money Laundering Law*, and others will be submitted to the Standing Committee of the National People's Congress (NPC) for deliberation. Such rules as the *Regulations on Non-bank Payment Institutions and the Regulations on Punishment Against Managers of State-owned Enterprises* will be formulated, and the *Provisions of the State Council on Thresholds for Prior Notification of Concentration of Undertakings and the Regulations on the Administration of Commercial Cryptography* will be revised. Preparations will be made to submit the *draft Consumption Tax Law*, the *draft revision to the Anti-Unfair Competition Law*, the *draft revision to the Law on Administration of Tax Collection*, the *draft revision to the Law on Commercial Banks*, the *draft revision to the Banking Regulation Law*, the *draft revision to the Law on the People's Bank of China*, and the *draft revision to the Insurance Law*, among others, to the NPC Standing Committee for deliberation. Preparations will be made for the formulation of the *Regulations on Supervision and Administration of Listed Companies*. In terms of improving legal framework for national security, and safeguarding national security and social stability, the *Plan* specifies that the *draft revision to the Law on Protection of State Secrets* will be submitted to the NPC Standing Committee for deliberation; the *Regulations on Network Data Security Management* will be formulated; and preparations will be made for the formulation of the *Regulations on the Export Control of Dual-Use Items*.

(Source: [https://www.gov.cn/zhengce/content/202306/content\\_6884925.html](https://www.gov.cn/zhengce/content/202306/content_6884925.html))



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## 二、自然资源部：经济发展用地要素保障须严守底线 2023.06.15

### MNR Calls for Strictly Holding the Bottom Line for the Guarantee of Land Use Factors for Economic Development

日前，自然资源部发布《关于在经济发展用地要素保障工作中严守底线的通知》（下称《通知》）。

The Ministry of Natural Resources (MNR) has recently issued the *Circular on Strictly Holding the Bottom Line for the Guarantee of Land Use Factors for Economic Development* (the "Circular").

《通知》旨在督促提醒地方在做好用地要素保障、服务好经济发展的同时，也不能忘记守住底线，坚决防止出现违法占用耕地、用地粗放浪费、破坏生态和人居环境、侵害群众合法权益等突破底线、红线的行为。其中，针对超大、特大城市“摊大饼”式无序蔓延的问题，《通知》明确要求省市县各级国土空间规划实施中，严控新增城镇建设用地，强化城镇开发边界约束作用。在城镇开发边界内的增量空间使用上，要为“十五五”“十六五”期间留下一定比例的增量空间，并对年度增量空间使用规模作出限制，督促地方合理安排建设用地结构、布局 and 时序，推动城镇集约发展。

The *Circular* aims to urge local governments to hold the bottom line while providing guarantee for land use factors and serving economic development, and prevent any act breaching the bottom line and red line, such as illegal occupation of cultivated land, extensive waste of land, damage to the ecological environment and living environment, and infringement of the people's legitimate rights and interests. In response to the disorderly spread of extra-large and mega cities, the *Circular* calls for strictly controlling the newly added land for urban construction and strengthening the restrictive role of urban development boundaries in the implementation of territorial spatial planning at the levels of counties, cities, and provinces. In terms of the use of incremental space within the boundaries of urban development, a certain proportion of incremental space shall be reserved for the "15th Five-year Plan" and "16th Five-year



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Plan" periods, the use scale of annual incremental space shall be restricted, and local governments shall be urged to rationally arrange for the structure, layout, and time sequence of construction land, and promote the intensive urban development.

(Source: [http://gi.mnr.gov.cn/202306/t20230614\\_2791435.html](http://gi.mnr.gov.cn/202306/t20230614_2791435.html))

### 三、《粮食安全保障法（草案）》提请全国人大常委会审议 2023.06.26

#### NPC to Deliberate the Food Security Law (Draft)

《中华人民共和国粮食安全保障法（草案）》于 2023 年 6 月 26 日提请十四届全国人大常委会第三次会议审议。

Recently, the State Administration for Market Regulation (SAMR) has drafted and released the *Anti-Monopoly Compliance Guidelines for Concentrations of Undertakings (Draft for Comment)* (the "Draft"), which is now open for public comments until July 3, 2023.

草案共 11 章 69 条，包括总则、耕地保护、粮食生产、粮食储备、粮食流通、粮食加工、粮食应急、粮食节约、监督管理、法律责任和附则。草案还对违反本法的行为规定了相应的法律责任，并与土地管理、农产品质量安全、食品安全、反食品浪费、安全生产等法律、行政法规进行了衔接。

The Draft consists of 11 chapters and 69 articles, including general provisions, farmland protection, grain production, grain reserves, grain circulation, grain processing, grain emergency response, grain conservation, supervision and management, legal responsibilities, and supplementary provisions. The Draft also stipulates corresponding legal responsibilities for violations thereof and establishes connections with laws and administrative regulations related to land management, agricultural product quality and safety, food safety, anti-food waste, and safety production.

(Source: [http://www.lswz.gov.cn/html/mtsyt2023/2023-06/26/content\\_275190.shtml](http://www.lswz.gov.cn/html/mtsyt2023/2023-06/26/content_275190.shtml))



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#### 四、《对外关系法》获通过自 7 月 1 日起施行 2023.06.28

### NPC Passes the Law on Foreign Relations, Effective from July 1

日前，第十四届全国人民代表大会常务委员会第三次会议表决通过《中华人民共和国对外关系法》（下称《对外关系法》），自 2023 年 7 月 1 日起施行。

The third session of the Standing Committee of the 14th National People's Congress (NPC) has recently adopted by voting the *Law on Foreign Relations of the People's Republic of China* (the "Law"), with effect from July 1, 2023.

《对外关系法》是首部集中阐述我国对外工作大政方针、原则立场和制度体系，对发展对外关系作出总体规定的基础性涉外法律。其明确了发展对外关系的指导思想，确定立法遵循的总体原则，载明发展对外关系的目标任务，确立发展对外关系的制度，强化发展对外关系的能力建设和保障。其中，《对外关系法》明确我国积极开展各领域对外交流合作，包括参与全球环境气候治理，推进高水平对外开放，推动共建“一带一路”高质量发展，开展对外援助及各领域交流合作等。同时，阐明对于违反国际法和国际关系基本准则，危害我国主权、安全、发展利益的行为，我国有权采取相应反制和限制措施。

The *Law* marks the first basic foreign-related law that dwells on China's major policies, principles, stances, rules, and systems for foreign affairs and sets forth the overall provisions on the development of its foreign relations. It clarifies the guiding ideology for foreign relations, determines the overall principles to be followed in legislation, and identifies the objectives and tasks, thereby strengthening the capacity building and guarantees for the development of foreign relations. According to the *Law*, China shall actively participate in external exchanges and cooperation in various areas, including playing an active part in global environmental and climate governance, advancing high-standard opening-up, promoting high-quality development of the Belt and Road Initiative, providing foreign aid, and conducting cooperation and exchanges in various areas. Meanwhile, it stipulates that China has the right to take, as called for, measures to counter or take restrictive measures against acts that endanger its sovereignty, national



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security and development interests in violation of international law or fundamental norms governing international relations.

(Source: <http://www.npc.gov.cn/npc/c30834/202306/d4a1d80fd2764a7ca3c57387cf17109d.shtml>)

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