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法律法规简报 2023-08-31

Legal Update 2023-08-31

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一、证监会发布《期货市场持仓管理暂行规定》 **2023.08.01**

CSRC Releases the Interim Provisions on Position Management in the Futures Market

日前，中国证券监督管理委员会公布《期货市场持仓管理暂行规定》（下称《规定》），自公布之日起施行。



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Recently, the China Securities Regulatory Commission (CSRC) has released the *Interim Provisions on Position Management in the Futures Market* (the “Provisions”), with effect on the date of release.

《规定》重点对持仓限额、套期保值、大户持仓报告、持仓合并等基础制度的内涵、制定或调整原则、适用情形、各参与主体义务等作出规定。具体为，一是明确持仓限额的制定或调整原则、设定方法，规范交易行为。二是对套期保值行为进行原则性规范，明确期货交易所的审批和管理义务。三是完善大户持仓报告制度，进一步充实报告内容，明确报告方义务。四是对持仓合并原则进行明确，同时对持仓合并豁免有关制度作出原则性安排。

The *Provisions* define the fundamental systems such as position limits, hedging activities, large position reporting, and position aggregation, while providing for the formulation or adjustment principles, applicable scenarios, and obligations of the entities involved. Specifically, the *Provisions* focus on the following aspects: (1) specifying the methods for setting or adjusting position limits and regulating the trading activities; (2) establishing principled norms for hedging activities and delineating the responsibilities of futures exchanges in terms of approval and management; (3) enhancing the reporting regime for large positions, including enriching reporting content and clarifying obligations for parties reporting such positions; and (4) providing clear principles for position aggregation and defining the system of exemptions related to position aggregation in principle.

(Source: <http://www.csrc.gov.cn/csrc/c101954/c7423054/content.shtml>)

二、国务院：优化外商投资环境 加大吸引外商投资力度 2023.08.14

State Council to Further Optimize Foreign Investment Environment and Intensify Efforts to Attract Foreign Investments



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日前，国务院印发《关于进一步优化外商投资环境加大吸引外商投资力度的意见》（下称《意见》）。

The State Council has recently issued the *Opinions on Further Optimizing Foreign Investment Environment and Intensifying Efforts to Attract Foreign Investments* (the “*Opinions*”).

《意见》提出六方面 24 条政策措施：一是提高利用外资质量；二是保障外商投资企业国民待遇；三是持续加强外商投资保护；四是提高投资运营便利化水平；五是加大财税支持力度；六是完善外商投资促进方式。《意见》要求，各地区、各部门和有关单位切实做好进一步优化外商投资环境、加大吸引外商投资力度工作。鼓励各地区因地制宜出台配套举措，增强政策协同效应。商务部要会同有关部门和单位加强指导协调，做好政策宣介，及时落实政策措施，为外国投资者营造更加优化的投资环境，有效提振外商投资信心。

The *Opinions* identify 24 policy measures in six aspects: (1) improving the quality of foreign capital utilization; (2) guaranteeing the national treatment of foreign-invested enterprises; (3) strengthening the protection of foreign investment; (4) improving the facilitation of investment and operation; (5) increasing fiscal and tax support; and (6) improving ways to promote foreign investment. The *Opinions* call on all regions, all departments, and relevant entities to effectively carry out the work on optimizing foreign investment environment and attracting foreign investments. All regions are encouraged to adopt supporting measures in light of local conditions to enhance policy synergy. The Ministry of Commerce (MOFCOM) shall strengthen guidance and coordination with relevant departments on policy promotion, implement the policies and measures timeously, create a more optimized investment environment for foreign investors, and effectively boost foreign investment confidence.

(Source: https://www.gov.cn/zhengce/content/202308/content_6898048.htm)

三、信安标委就《信息安全技术 数据安全风险评估方法》征意 2023.08.23



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NISSTC Seeks Comments on Information Security Technology—Risk Assessment Method for Data Security

近日，全国信息安全标准化技术委员会发布国家标准《信息安全技术 数据安全风险评估方法（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 2023 年 10 月 20 日。

The National Information Security Standardization Technical Committee (NISSTC) has recently released the national standard entitled the *Information Security Technology—Risk Assessment Method for Data Security (Draft for Comment)* (the “Draft”) to solicit public opinions by October 20, 2023.

《征求意见稿》为支撑《中华人民共和国数据安全法》第十八条、第三十条对数据安全风险评估相关规定落实，贯彻《中华人民共和国个人信息保护法》等要求，建设数据安全风险评估的协作和统一管理机制，发现国家、重点行业领域和地方区域的数据安全风险，理清数据安全建设方向，针对性提升我国数据安全能力水平。《征求意见稿》提出了数据安全风险评估的基本概念、要素关系、分析原理、实施流程、评估内容，明确了数据安全风险评估各阶段的实施要点和工作方法等。

The *Draft* aims to support the implementation of data security risk assessment as required in Articles 18 and 30 of the *Data Security Law of the People's Republic of China*, implement the requirements of the *Personal Information Protection Law of the People's Republic of China*, build a collaborative and unified management mechanism for data security risk assessment, identify the data security risks nationwide and in key industry areas and local regions, clarify the direction of data security building, and take targeted approach to raise China's data security capability and level. The *Draft* provides the basic concepts, element relationships, assessment principles, implementation processes, and assessment content for data security risk assessment, setting forth the key points and work methods for each stage of assessment.

(Source: https://www.tc260.org.cn/front/bzzqyjDetail.html?id=20230822155039&norm_id=20221102153104&recode_id=52641)



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四、国家发改委公布《粮食质量安全监管办法》 2023.08.24

NDRC Issues Measures for Regulation of Grain Quality and Safety

近日，国家发展和改革委员会发布《粮食质量安全监管办法》（下称《办法》），自 2023 年 10 月 1 日起施行。

The National Development and Reform Commission (NDRC) has recently issued the *Measures for Regulation of Grain Quality and Safety* (the “*Measures*”), with effect from October 1, 2023.

《办法》提出，粮食经营者对粮食质量安全承担主体责任。从事粮食经营活动，应当严格执行有关法律、法规、政策及标准，严格遵守粮食质量安全管理制，明确质量安全管理责任，认真落实反食品浪费等规定和要求，严禁多扣水杂、压级压价等。《办法》规定，省级以上粮食和储备管理部门应当建立健全粮食收购和储存环节质量安全风险监测制度，包括收购粮食质量安全监测、库存粮食质量安全监测、应急粮食质量安全监测和其他专项粮食质量安全监测。《办法》还鼓励对不同产地、等级和品质的粮食单收、单储。粮食经营者收购非食用用途的粮食，应当单收、单储、单销，采取在收购码单、包装、库存货位卡上明确标识等措施，强化全流程闭环管理。

The *Measures* stipulate that grain operators shall assume primary responsibilities for grain quality and safety. Those who engage in grain business activities shall strictly implement relevant laws, regulations, policies, and standards, strictly abide by the grain quality and safety management system, clarify quality and safety management responsibilities, earnestly meet the anti-food waste regulations and other requirements, and prohibit such acts as making excessive deductions, lowering quality and forcing down price. The *Measures* require grain and reserve management departments at or above the provincial level to establish a sound quality and safety risk monitoring system for grain purchase and storage, which shall include the quality and safety monitoring of purchased grain, grain in stock, grain for emergency, and other special grain. The *Measures* also encourage the separate collection and storage for grains of different



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origins, grades, and qualities. Grain operators who purchase non-edible grains shall collect, store, and sell them on a separate basis, take such measures as clearly marking the purchase codes, packaging, and inventory location cards, and strengthen the closed-loop management of the entire process.

(Source: https://www.ndrc.gov.cn/xxgk/zcfb/fzggwl/202308/t20230824_1360043.html)

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