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法律法规简报 2023-10-31

Legal Update 2023-10-31

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一、国家发改委就修订《海南自由贸易港鼓励类产业目录》征意 2023.10.23

NDRC Seeks Comments on Revising the Catalog of Encouraged Industries in the Hainan Free Trade Port

日前，国家发展和改革委员会修订形成《海南自由贸易港鼓励类产业目录（修订征求意见稿）》（下称《征求意见稿》），现向社会征询意见，意见反馈截止于 11 月 20 日。



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Recently, the National Development and Reform Commission (NDRC) has revised and issued the *Catalog of Encouraged Industries in the Hainan Free Trade Port (Revised Draft for Comment)* (the “Draft”), which is currently open for public comments until November 20, 2023.

《征求意见稿》共包括两部分，一是国家现有产业目录中的鼓励类产业，二是海南自由贸易港新增鼓励类产业。其适用于在海南自由贸易港生产经营的企业，其中外商投资企业按照《鼓励外商投资产业目录（2022 年版）》执行。根据《征求意见稿》，海南自由贸易港新增鼓励类产业涵盖新能源专用汽车制造、通用设备（新能源生产专用车辆）制造、拥有自主知识产权的医疗仪器设备及器械研发与生产、药品上市许可持有人和医疗器械注册人备案人生产经营等 171 类。

The *Draft* consists of two parts: the first part encompasses encouraged industries in the existing national industry catalogs, and the second part introduces newly encouraged industries specific to the Hainan Free Trade Port. These provisions apply to enterprises engaged in production and operations within the Hainan Free Trade Port, of which foreign-invested enterprises should follow the *Catalog of Encouraged Industries for Foreign Investment (2022 Edition)*. According to the *Draft*, the newly encouraged industries for the Hainan Free Trade Port span 171 categories, including activities such as the manufacturing of specialized new energy vehicles, the production of general equipment (designed for the new energy vehicle manufacturing), research and production of medical instruments and equipment with independent intellectual property rights, production and operations conducted by drug marketing authorization holders (MAHs) and applicants for medical device registration and record-filing, among others.

(Source: <https://yyglxxbsgw.ndrc.gov.cn/htmls/article/article.html?articleId=2c97d16c-86787ed5-018b-46ec0b58-0062#iframeHeight=805>)

二、《取消外国公文书认证要求的公约》将于 11 月 7 日在中国生效 2023.10.24

Convention Abolishing the Requirement of Legalisation for Foreign Public Documents to Take Effect in China on November 7



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10月23日, 外交部消息显示, 《取消外国公文书认证要求的公约》将于2023年11月7日在中国生效实施。

The Convention Abolishing the Requirement of Legalisation for Foreign Public Documents (the “Convention”) will enter into force in China on November 7, 2023, according to a statement made by the Ministry of Foreign Affairs on October 23, 2023.

《公约》是海牙国际私法会议框架下适用范围最广、缔约成员最多的国际条约, 旨在简化公文书跨国流转程序。11月7日起, 中国送往其他缔约国使用的公文书, 仅需办理《公约》规定的附加证明书 (Apostille), 即可送其他缔约国使用, 无需办理中国和缔约国驻华使领馆的领事认证。其他缔约国公文书送中国内地使用, 只需办理该国附加证明书, 无需办理该国和中国驻当地使领馆的领事认证。

As an international treaty that is mostly applied under the framework of the Hague Conference on Private International Law and has the most member countries, the *Convention* aims to simplify the procedures for cross-border use of public documents. Starting from November 7, 2023, public documents issued by China to be used in other member countries will only need to be apostilled before being sent to other member countries for use, and consular legalization will not be required. While public documents issued by member countries of the *Convention* can be used in China directly after getting the Apostille from the competent authorities, and there is no need to seek consular legalization.

(Source: https://www.fmprc.gov.cn/wjbxw_new/202310/t20231023_11165858.shtml)

三、全国人大常委会通过新修订《海洋环境保护法》等

2023.10.25

NPC Standing Committee Adopts Newly Revised Marine Environment Protection Law and Others



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日前，第十四届全国人民代表大会常务委员会第六次会议表决通过《中华人民共和国海洋环境保护法（2023 年修订）》（下称《海洋环境保护法》）和《中华人民共和国爱国主义教育法》，均自 2024 年 1 月 1 日起施行。

The sixth session of the Standing Committee of 14th National People's Congress (NPC) has recently adopted by voting the *Marine Environment Protection Law of the People's Republic of China* (the “*Marine Environment Protection Law*”) and the *Patriotic Education Law of the People's Republic of China*, both effective from January 1, 2024.

《海洋环境保护法》主要内容如下：一是推进海洋环境监督管理制度建设；二是体现陆海统筹、区域联动；三是加强海洋生物多样性保护；四是严格海域排污许可管理，强化入海排污口监管；五是强化海洋垃圾污染防治。其中，《海洋环境保护法》加强了污染物排放管控，具体包括“明确应当依法取得排污许可证的主体，实行排污许可管理的主体应当执行排污许可证的要求”等内容。

The *Marine Environment Protection Law* mainly involves: (1) advancing the building of a marine environment supervision and management system; (2) highlighting land and sea coordination and regional linkage; (3) strengthening the protection of marine biodiversity; (4) adopting strict management of the marine pollution discharge permits and strengthening the supervision of sewage outlets into the sea; and (5) enhancing the prevention and control of marine garbage pollution. The *Marine Environment Protection Law* tightens the control of pollutant discharge, specifically stipulating that “entities that should obtain pollutant discharge permit in accordance with the law, and the entities that are subject to pollutant discharge permit management shall implement the requirements of the pollutant discharge permit”, among others.

(Source: http://www.npc.gov.cn/npc/c2/c30834/202310/t20231024_432550.html)

http://www.npc.gov.cn/npc/c2/c30834/202310/t20231024_432535.html)

四、全国人大常委会就保守国家秘密法修订草案等六部草案征意 2023.10.25



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NPC Standing Committee Seeks Comments on Six Draft Laws Including Law on Guarding State Secrets (Draft Revision)

近日,第十四届全国人民代表大会常务委员会第六次会议对《中华人民共和国保守国家秘密法修订草案》(下称《修订草案》)、《中华人民共和国粮食安全保障法(草案)(二次审议稿)》等六部法律草案进行了审议,并对外公布全文,面向社会征求意见,征求期限均为 30 日。

The sixth session of the Standing Committee of the National People's Congress (NPC) has recently deliberated six draft laws, including the *Law of the People's Republic of China on Guarding State Secrets (Draft Revision)* (the "Draft Revision"), and the *Law of the People's Republic of China on Safeguarding Food Security (Second Draft for Review)*. The full text of all these draft laws has been released for public consultation for a term of 30 days.

《修订草案》共六章 62 条,与现行《中华人民共和国保守国家秘密法》相比,新增 9 条、修改 35 条。其主要修订内容包括:一是贯彻落实党管保密原则,完善管理体制机制;二是聚焦实际工作突出问题,细化定密解密管理要求;三是回应社会发展需要,健全保密管理制度;四是完善制度规范,强化保密监管措施。此外,《修订草案》还进一步完善了法律责任。

The *Draft Revision*, consisting of 62 articles in six chapters, adds nine articles and revises 35 articles compared to the existing *Law of the People's Republic of China on Guarding State Secrets*. The main revisions involve: (1) implementing the principle of confidentiality under the leadership of the Party and improving the management system and mechanism; (2) addressing outstanding issues in actual work and refining the management requirements for classification and declassification; (3) responding to the needs of social development and improving the confidentiality management system; and (4) establishing sound rules and norms and strengthening the regulatory measures for confidentiality. In addition, the *Draft Revision* further improves the provisions on legal liability.

(Source:

<http://www.npc.gov.cn/flcaw/userIndex.html?lid=ff8081818b288414018b60cbbffc5ce0>



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<http://www.npc.gov.cn/flcaw/userIndex.html?lid=ff8081818b287dfc018b60e4da681a02>

<http://www.npc.gov.cn/flcaw/userIndex.html?lid=ff8081818b2884d0018b60d69d065c89>

<http://www.npc.gov.cn/flcaw/userIndex.html?lid=ff8081818b2884d0018b60be1a2c5b50>

<http://www.npc.gov.cn/flcaw/userIndex.html?lid=ff8081818b288414018b608de74f59f9>

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