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一、财政部印发政府信息公开实施办法

2020.04.23

MOF Releases Implementing Measures for Disclosure of Government Information



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日前，财政部发布《政府信息公开实施办法》（下称《办法》），自印发之日起施行。

The Ministry of Finance (“MOF”) has recently issued the *Implementing Measures for Disclosure of Government Information* (the “*Measures*”), immediately effective from the date of issuance.

《办法》规定，政府信息公开，采取主动公开和依申请公开的方式。涉及商业秘密、个人隐私等公开会对第三方合法权益造成损害的政府信息，不得公开。但是第三方同意公开或者部内有关司局认为不公开会对公共利益造成重大影响的，予以公开。

The *Measures* stipulate that government information may be disclosed on a proactive basis and upon request. Government information relating to trade secrets, personal privacy, etc., the disclosure of which will inflict damage on the legitimate rights and interests of third parties, shall not be made public. However, such information may be publicly disclosed, provided that the third parties concerned consent to the disclosure or the related internal department or bureau of the MOF reckons that the public interest will be greatly affected if such information is not published.

《办法》进一步要求，对涉及公共利益调整、需要公众广泛知晓或者需要公众参与决策的政府信息，应当主动公开。依照本《办法》第十六条的规定，主动公开“财政规章、规范性文件及有关财政政策”等十一项政府信息。《办法》还指出，政府信息公开书面申请主要采用申请表形式，并对收到申请表后的答复期限加以明确。

The *Measures* further require that government information that involves adjustments to public interest, that needs to be widely known by the general public or that requires public participation in decision-making, should be published proactively. Article 16 of the *Measures* prescribes the proactive disclosure of 11 types of government information, including “finance-related rules, normative documents and relevant fiscal policies”. Moreover, the *Measures* clarify that a written application for disclosure of government information will be mainly filed in the form of an application form, and provide clarity on the time limit for giving feedback after the receipt of an application form.



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(Source: http://bgt.mof.gov.cn/tongzhiguiding/202005/t20200511_3511315.htm)

二、两部门：取消境外机构投资者额度限制推动金融市场开放 2020.05.07

Investment Quota Limits for Foreign Institutional Investors Lifted to Facilitate Opening up of the Financial Market

日前，中国人民银行、国家外汇管理局发出《境外机构投资者境内证券期货投资资金管理规定》（下称《规定》），自 2020 年 6 月 6 日起实施。

The People's Bank of China ("PBC") and the State Administration of Foreign Exchange ("SAFE") have recently issued the *Administrative Provisions on Funds Used by Foreign Institutional Investors for Domestic Securities and Futures Investment* (the "*Provisions*"), with effect from 6th June 2020.

《规定》主要内容包括：一是落实取消合格境外机构投资者和人民币合格境外机构投资者（简称合格投资者）境内证券投资额度管理要求，对合格投资者跨境资金汇出入和兑换实行登记管理。二是实施本外币一体化管理，允许合格投资者自主选择汇入资金币种和时机。三是大幅简化合格投资者境内证券投资收益汇出手续，取消中国注册会计师出具的投资收益专项审计报告和税务备案表等材料要求，改以完税承诺函替代。

The *Provisions* touch upon major contents in six aspects. First, in response to the requirement of canceling the quotas of domestic securities investment made by qualified foreign institutional investors (QFII) and Renminbi qualified foreign institutional investors (RQFII) (collectively as "qualified investors"), inward/outward remittance and exchange of cross-border funds by qualified investors will be subject to registration. Second, RMB and foreign currencies will be subject to integrated management, which allows qualified investors to decide on their own what currency their funds will be remitted into China and the timing of inward remittance. Third, formalities for repatriating returns on domestic securities investment by qualified investors will be simplified considerably by canceling the submission of documents such as special audit



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reports on returns on investment issued by Chinese certified public accountants and tax record-filing statements and replacing them with the commitment letter to tax payment.

四是取消托管人数量限制，允许单家合格投资者委托多家境内托管人，并实施报告人制度。五是完善合格投资者境内证券投资外汇风险及投资风险管理要求。六是加强事中事后监管。

Fourth, the restriction on the number of custodians will be lifted to allow a single qualified investor to entrust multiple domestic custodians, and the system of the principal reporter will be enforced. Fifth, the requirements on management of foreign exchange risks and investment risks emerging in domestic securities investment made by qualified investors are improved. And sixth, in-process and ex-post regulation will be tightened.

(Source: <http://www.pbc.gov.cn/goutongjiaoliu/113456/113469/4019492/index.html>)

三、商务部发文推广上海市 24 条稳外资新措施

2020.04.24

MOFCOM Promotes Shanghai Municipal Government's 24 New Measures for Foreign Investment Stabilization

日前，商务部办公厅发出《关于推广上海市 24 条稳外资新措施的函》。

The General Office of the Ministry of Commerce (“MOFCOM”) has recently issued the *Letter on Promoting the 24 New Measures of Shanghai Municipality for Foreign Investment Stabilization*.

该函称，上海市人民政府印发《本市贯彻〈国务院关于进一步做好利用外资工作的意见〉若干措施》（简称《若干措施》），从落实国家扩大开放政策、加强外商投资促进工作、提升投资便利化水平、强化外商投资保护等四个方面，提出 24 条稳外资措施，有助于对冲疫情影响，持续营造开放、便利的投资环境，进一步吸引和稳定外资。



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The *letter* reads that the *Several Measures of the Shanghai Municipality for Implementation of the Opinions of the State Council on Further Improving the Use of Foreign Capital* (the “*Several Measures*”) promulgated by the Shanghai Municipal People’s Government introduce 24 measures intended to stabilize foreign investment in four aspects, including putting in place the national policies for wider opening up, stepping up efforts to boost foreign investment, improving foreign investment facilitation and strengthening the protection of foreign investment. *Measures* are helpful in countering the impacts of the epidemic, sustaining an open and convenient environment for investment, and further attracting and stabilizing foreign investment.

关于强化外商投资保护，《若干措施》明确，要提高涉及外资政策透明度，制定出台涉及外资的行政规范性文件时，加强合法性审核，并事先征求外资企业、相关商协会的意见建议。涉及企业投资和生产经营活动调整的行政规范性文件，合理确定公布到施行之间的时间，给企业预留调整时间。

As regards efforts to strengthen the protection of foreign investment, the *Several Measures* highlight the need to improve the transparency of policies related to foreign investment. Before administrative documents are officially released, the government should strengthen compliance review, seek opinions and advice from foreign-invested enterprises, relevant chambers of commerce and associations beforehand. As for administrative normative documents that introduce adjustments to investment, production and operational activities of enterprises, a reasonable buffer period should be established between the date of promulgation and the effective date, to set aside time for enterprises to get well-prepared for such adjustments.

(Source: <http://www.mofcom.gov.cn/article/b/f/202004/20200402958400.shtml>)

四、国务院批复设立雄安新区等 46 个跨境电子商务综合试验区 2020.05.06

State Council Approves the Building of 46 Integrated Pilot Zones for Cross-border E-commerce Including One in Xiong’an New Area

近日，国务院发布《关于同意在雄安新区等 46 个城市和地区设立跨境电子商务综合试验区的批复》（下称《批复》）。



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The State Council has recently issued the *Official Reply on Approving the Establishment of Integrated Pilot Zones for Cross-border E-commerce in 46 Cities and Areas Including Xiong'an New Area* (the “Reply”).

根据《批复》，国务院同意在雄安新区等 46 个城市和地区设立跨境电子商务综合试验区，名称分别为中国（城市或地区名）跨境电子商务综合试验区。《批复》指出，综合试验区建设要按照鼓励创新、包容审慎的原则，着力在跨境电子商务企业对企业（B2B）方式相关环节的技术标准、业务流程、监管模式和信息化建设等方面探索创新，研究出台更多支持举措。

According to the *Reply*, the State Council grants approval for setting up in 46 cities and areas as the integrated pilot zones for cross-border e-commerce that will be named China (name of the city or area) Integrated Pilot Zone for Cross-border E-commerce respectively. The *Reply* notes that building these integrated pilot zones should adhere to the principle of encouraging innovation and being inclusive and prudent. Efforts will be made to explore innovation in technical standards, business procedures, regulatory modes and IT development in the process of business-to-business (B2B) cross-border e-commerce and to devise and introduce more supporting measures.

《批复》还明确，要进一步完善跨境电子商务统计体系，实行对综合试验区内跨境电子商务零售出口货物按规定免征增值税和消费税、企业所得税核定征收等支持政策，研究将具备条件的综合试验区所在城市纳入跨境电子商务零售进口试点范围，支持企业共建共享海外仓。

The *Reply* also clarifies that it is imperative to further improve the statistical system for cross-border e-commerce, implement the supporting policies that, for example, exempt cross-border e-commerce retail exports from value-added tax and consumption tax in accordance with relevant provisions and levy enterprise income tax on a deemed basis, conduct research on including the cities where the integrated pilot zones are located to the coverage of the pilot program for cross-border e-commerce retail imports if local conditions permit, and support enterprises in jointly building and sharing overseas warehouses.

(Source: http://www.gov.cn/zhengce/content/2020-05/06/content_5509163.htm)



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