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法律法规简报 2021-01-29

Legal Update 2021-01-29

目录

Contents

◇ [国务院：明年起在全国范围内实施动产和权利担保统一登记](#)

State Council to Implement Unified Registration of Movable Property and Right Guarantee Nationwide from Next Year

◇ [国务院公布修订后《企业名称登记管理规定》](#)

State Council Issues Revised Administrative Provisions on the Registration of Enterprise Names

◇ [全国人大常委会拟修正安全生产法 加大违法行为处罚力度](#)

NPC Standing Committee to Revise Work Safety Law to Increase Penalties for Illegal Acts

◇ [商务部公布《阻断外国法律与措施不当域外适用办法》](#)

MOFCOM Releases Rules on Counteracting Unjustified Extra-territorial Application of Foreign Laws and Measures

一、国务院：明年起在全国范围内实施动产和权利担保统一登记 2020.12.29

State Council to Implement Unified Registration of Movable Property and Right Guarantee Nationwide from Next Year



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近日，国务院发布《关于实施动产和权利担保统一登记的决定》（下称《决定》）。

Recently, the State Council has issued the *Decision on Implementing the Unified Registration of Movable Property and Right Guarantee* (the "*Decision*").

《决定》指出，自 2021 年 1 月 1 日起，在全国范围内实施动产和权利担保统一登记。同时，《决定》提出，将生产设备、原材料、半成品、产品抵押，以及应收账款质押等七大类动产和权利担保纳入统一登记范围，由当事人通过中国人民银行征信中心动产融资统一登记公示系统自主办理登记。当事人对登记内容的真实性、完整性和合法性负责，登记机构不对登记内容进行实质审查。

The *Decision* points out that, from January 1, 2021, movable property and right guarantees will be subject to unified registration nationwide. Meanwhile, the *Decision* proposes that, seven categories of movable property and right guarantees including mortgage of production equipment, raw materials, semi-finished goods or products and pledge of accounts receivable shall be included in the unified registration scope; the parties concerned may independently handle the registration through a unified registration and publicity system for movable property financing of the Credit Reference Center, the People's Bank of China ("PBC"). And the parties shall be responsible for the authenticity, completeness and legality of the registered content. The registration agency will not conduct substantive examination of the registered content.

《决定》还明确，央行负责制定生产设备、原材料、半成品、产品抵押和应收账款质押统一登记制度，推进登记服务便利化。央行征信中心具体承担服务性登记工作，不得开展事前审批性登记。国家市场监督管理总局不再承担“管理动产抵押物登记”职责。

Besides, the *Decision* also clarifies that, the PBC shall be responsible for formulating a unified registration system for mortgage of production equipment, raw materials, semi-finished goods or products and pledge of accounts receivable to promote the facilitation of registration services, while the PBC Credit Reference Center shall specifically undertake the service registration and may not carry out pre-approval



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registration. The State Administration for Market Regulation ("SAMR") will no longer assume the responsibility of "managing the registration of movable property as collateral".

(Source: http://www.gov.cn/zhengce/content/2020-12/29/content_5574773.htm)

二、国务院公布修订后《企业名称登记管理规定》

2021.01.19

State Council Issues Revised Administrative Provisions on the Registration of Enterprise Names

近日，国务院公布《企业名称登记管理规定（2020 年修订）》（下称《规定》），自 2021 年 3 月 1 日起施行。

The State Council has recently issued the *Administrative Provisions on the Registration of Enterprise Names (Revised in 2020)* (the "*Provisions*"), with effect from March 1, 2021.

《规定》主要内容如下：一是建立企业名称自主申报制度并明确具体要求。申请人应当承诺因其企业名称与他人企业名称近似侵犯他人合法权益的，依法承担法律责任。二是完善企业名称的基本规范。细化了企业名称的禁止性要求，明确了外商投资企业、企业分支机构、企业集团名称登记规则。

The *Provisions* mainly touch upon the contents in four aspects. The first is to establish a self-declaration system for enterprise names and to clarify specific requirements. An applicant shall undertake to bear legal liability in accordance with the law for its infringement upon the legitimate rights and interests of others due to the similarity between its enterprise name and the names of other enterprises. The second is to perfect the basic specifications for enterprise names. The prohibitive requirements on enterprise names are refined, and the registration rules for names of foreign-invested enterprises, enterprise branches, and enterprise groups are clarified.



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三是建立企业名称争议处理机制。企业认为其他企业名称侵犯本企业名称合法权益的, 可以向人民法院起诉或者请求为涉嫌侵权企业办理登记的企业登记机关处理。四是强化事中事后监管。企业登记机关在办理企业登记时, 发现企业名称不符合规定的, 不予登记并书面说明理由; 发现已经登记的企业名称不符合规定的, 应当及时纠正。

The third is to establish a mechanism for settling disputes over enterprise names. Where an enterprise deems that other enterprise names infringe upon the legitimate rights and interests of its enterprise name, it may file a lawsuit with the people's court or request that the enterprise registration authority handles the registration for the enterprises suspected of infringement to deal with the matter. The fourth is to strengthen the in-process and ex-post regulation. If an enterprise registration authority discovers that the name of an enterprise fails to meet the provisions, when handling the enterprise registration, it shall refuse the registration for the enterprise and explain the reasons therefor in writing; where it discovers that the registered enterprise name fails to meet the provisions, it shall make corrections in a timely manner.

(Source: http://www.gov.cn/zhengce/content/2021-01/19/content_5581091.htm)

三、全国人大常委会拟修正安全生产法 加大违法行为处罚力度 2021.01.27

NPC Standing Committee to Revise Work Safety Law to Increase Penalties for Illegal Acts

近日, 第十三届全国人民代表大会常务委员会第二十五次会议审议并公布《中华人民共和国安全生产法(修正草案)》(下称《草案》), 现公开征求意见, 意见反馈时间截至 2 月 25 日。

The *Work Safety Law of the People's Republic of China (Revised Draft)* (the "Draft"), deliberated at the 25th session of the Standing Committee of the 13th National People's Congress ("NPC"), has recently been released for public comments by February 25, 2021.



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《草案》修改的主要内容如下：一、进一步完善安全生产工作的原则要求；二、进一步强化和落实生产经营单位的主体责任；三、进一步明确地方政府和有关部门的安全生产监督管理职责；四、进一步加大对生产经营单位及其负责人安全生产违法行为的处罚力度。

The *Draft* proposes main revisions in four aspects as below. The first is to further improve the principles and requirements for work safety. The second is to further strengthen and implement the entity responsibility of production and operation entities. The third is to further clarify the supervision and administration responsibilities for work safety of local governments and relevant departments. The fourth is to further increase the penalties for violations of work safety by production and operation entities and their responsible persons.

其中，《草案》在《中华人民共和国安全生产法（2014 修订）》规定的基础上，普遍提高了对违法行为的罚款数额。同时，针对安全生产领域“屡禁不止、屡罚不改”等问题，加大了对违法行为恶劣的生产经营单位关闭力度，依法吊销有关证照，对主要负责人实施职业禁入。

In particular, the *Draft* generally raises the amount of fines for illegal acts on the basis of the *Work Safety Law of the People's Republic of China (Revised in 2014)*. Meanwhile, in response to the problems such as "the violations remain incessant after repeated prohibitions, and the situations remain unchanged after repeated punishments" in the field of work safety, the *Draft* imposes stricter measures to close down production and operation entities with seriously illegal acts, revokes the relevant licenses thereof in accordance with the law, and imposes corresponding occupational practice restrictions on main responsible persons thereof.

(Source:

<http://www.npc.gov.cn/flcaw/userIndex.html?lid=ff808081773f34620177425e063e032f>

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四、商务部公布《阻断外国法律与措施不当域外适用办法》

2021.01.19



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MOFCOM Releases Rules on Counteracting Unjustified Extra-territorial Application of Foreign Laws and Measures

近日, 商务部发布《阻断外国法律与措施不当域外适用办法》(下称《办法》), 自公布之日起施行。

The Ministry of Commerce ("MOFCOM") has recently issued the *Rules on Counteracting Unjustified Extra-territorial Application of Foreign Laws and Measures* (the "*Rules*"), with effect from the date of issuance.

《办法》主要包括五方面内容: 一是及时报告。中国公民、法人或其他组织遇到外国法律与措施不当域外适用, 即禁止或限制其与第三国(地区)开展正常经贸及相关活动的, 应在 30 日内报告。二是评估确认。关于外国法律与措施是否存在不当域外适用情形, 工作机制将结合各种因素, 进行评估确认。

The *Rules* mainly touch upon contents in five aspects. The first is to report in a timely manner. Where Chinese citizens, legal persons or other organizations encounter the unjustified extra-territorial application of foreign laws and measures, which means they are prohibited or restricted from engaging in normal economic and trade and related activities with third countries (regions), they shall report the matter within 30 days. The second is about evaluation and confirmation. Regarding whether there is unjustified extra-territorial application of foreign laws and measures, the working mechanism will consider various factors to conduct the evaluation and confirmation.

三是发布禁令。经评估确认有关外国法律与措施存在不当域外适用情形的, 工作机制可以决定由国务院商务主管部门发布禁令。四是司法救济。因外国法律与措施的不当域外适用遭受损失的, 中国公民、法人或其他组织可在国内法院起诉, 要求予以赔偿。五是处罚制度。对违反如实报告义务和不遵守禁令的行为, 给予相应处罚。

The third is to issue a prohibition order. Where there is unjustified extra-territorial application of relevant foreign laws and measures upon evaluation and confirmation, the working mechanism may decide that the competent commerce department of the State Council shall issue a prohibition order. The fourth is judicial remedy. Where Chinese



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citizens, legal persons, or other organizations suffer losses due to the unjustified extra-territorial application of foreign laws and measures, they may file lawsuits with domestic courts and claim for compensation. The fifth is punishment system. Corresponding punishments shall be imposed on Chinese citizens, legal persons, or other organizations that violate the obligation to report truthfully and fail to comply with the prohibition order.

(Source: <http://www.mofcom.gov.cn/article/zwgk/zcfb/202101/20210103029710.shtml>)

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