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## 法律法规简报 2021-07-30

## Legal Update 2021-07-30

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**一、中共中央国务院：浦东新区将打造社会主义现代化建设引领区 2021.07.15**

**Pudong to be Built into a Pioneer Area for Socialist Modernization**



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近日，中共中央、国务院印发《关于支持浦东新区高水平改革开放打造社会主义现代化建设引领区的意见》（下称《意见》）。

The Central Committee of the Communist Party of China and the State Council have recently released the *Opinions on Supporting the High-level Reform and Opening-up in the Pudong New Area and Building it into a Pioneer Area for Socialist Modernization* (the "*Opinions*").

根据《意见》，到 2050 年，浦东建设成为在全球具有强大吸引力、创造力、竞争力、影响力的城市重要承载区，城市治理能力和治理成效的全球典范，社会主义现代化强国的璀璨明珠。为此，《意见》提出七方面重大举措，包括全力做强创新引擎，打造自主创新新高地；加强改革系统集成，激活高质量发展新动力；深入推进高水平制度型开放，增创国际合作和竞争新优势；增强全球资源配置能力，服务构建新发展格局；提高城市治理现代化水平，开创人民城市建设新局面；提高供给质量，依托强大国内市场优势促进内需提质扩容；树牢风险防范意识，统筹发展和安全。

According to the *Opinions*, by 2050, Pudong is expected to become an important urban area which is highly attractive, creative, competitive, and influential globally, a global model of urban governance and a "shining pearl" of a great modern socialist country. To this end, the *Opinions* set forth seven major initiatives, including developing a strong powerhouse for innovation and building a core area for independent innovation; strengthening the systematic integration for reform and stimulating the impetus for high-quality development; advancing high-level institutional opening-up and creating new edges in international cooperation and competition; enhancing the capabilities of global resource allocation and contributing to a new development pattern; modernizing the urban governance and creating a new landscape for the development of a people's city; raising the supply quality, improving the quality and expanding the scale of domestic supply by relying on the powerful domestic market advantages; building firm awareness of risk prevention and balancing both the development and security.

(Source: [http://www.gov.cn/zhengce/2021-07/15/content\\_5625279.htm](http://www.gov.cn/zhengce/2021-07/15/content_5625279.htm))



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## 二、海关总署就《海关综合保税区管理办法》征求意见

2021.07.19

### GAC Seeks Comments on the Administrative Measures for the Customs Comprehensive Bonded Zones

近日，海关总署起草了《中华人民共和国海关综合保税区管理办法（征求意见稿）》（下称《征求意见稿》），现向社会征求意见，意见反馈截至 8 月 19 日。

Recently, the General Administration of Customs ("GAC") has drawn up the *Administrative Measures for Comprehensive Bonded Zones of the Customs of People's Republic of China (Draft for Comment)* (the "*Draft for Comment*") for public comments by August 19, 2021.

《征求意见稿》规定，综合保税区内企业的生产经营活动应当符合国家产业发展要求。区内不得开展相关法律、法规禁止开展的业务，可依法依规开展“加工制造”等八项业务。

The *Draft for Comment* stipulates that the production and operation activities of enterprises in the comprehensive bonded zones shall meet the requirements of national industrial development. They are not allowed to engage in the business prohibited by relevant laws and regulations in the zones and may carry out eight types of business including "processing and manufacturing" in accordance with laws and regulations.

《征求意见稿》要求，综合保税区与境外之间进出的货物，货物的收发货人或其代理人应当按照规定向海关办理相关手续，对从境外进入综合保税区的货物予以保税。除另有规定外，“区内基础设施建设项目所需的机器、设备和建设生产厂房、仓储设施所需的基建物资”等三类货物从境外进入综合保税区，海关免征进口关税和进口环节税。

The *Draft for Comment* requires that, the consignee and consignor of the goods or their agents shall go through relevant formalities with the customs offices in accordance with regulations for the goods entering and leaving between the comprehensive bonded zones and overseas, and the goods entering the comprehensive bonded zones from overseas shall be bonded. Unless otherwise specified, three types of goods including



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"machines and equipment needed for infrastructure construction projects in the zones, and infrastructure materials needed for the construction of production plants and storage facilities" that enter the comprehensive bonded zones from overseas, shall be exempted from import duties and taxes in the import link.

(Source: <http://www.customs.gov.cn/customs/302452/302329/zjz/3772677/index.html>)

### 三、最高检发布《人民检察院民事诉讼监督规则》 2021.07.26

#### **SPP Issues the Rules for the Supervision over Civil Proceedings by People's Procuratorates**

日前，最高人民检察院发布修订后《人民检察院民事诉讼监督规则》（下称《规则》），自 8 月 1 日起施行。

Recently, the Supreme People's Procuratorate ("SPP") has issued the revised *Rules for the Supervision over Civil Proceedings by People's Procuratorates* (the "Rules"), with effect from August 1, 2021.

《规则》主要修改内容如下：一是进一步明确当事人申请监督条件和检察机关受理程序，保障申请监督案件入口畅通、有序规范。二是适度扩大依职权启动监督程序案件范围，充分履行法律监督职责。三是完善案件审查、调查核实工作机制，确保全面客观审查监督案件。

The *Rules* contain the following main amendments: the first is to further clarify the conditions for the parties to apply for supervision and the procedures for the acceptance of cases by the procuratorial authorities, to ensure a smooth, orderly and standardized access to the application for supervision. The second is to appropriately expand the scope of cases for which procuratorial authorities initiate ex officio supervision procedures, to make sure they fully perform legal supervision duties. The third is to improve the working mechanism of case review, investigation and verification to ensure a holistic and objective review and supervision of cases.



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四是完善对生效裁判、调解书的监督标准和程序，强化对确有错误裁判结果的监督力度。五是完善对审判人员违法行为和执行活动违法情形的监督程序，增强两项监督工作的可操作性。六是完善检察机关自我纠错制度，维护司法公正和司法权威。七是明确有关适用依据，确保程序依据全程覆盖。

The fourth is to improve the supervision standards and procedures for effective judgments and mediation documents, to tighten the supervision of the wrong adjudication results. The fifth is to improve the supervision procedures for the illegal activities of judicial personnel and the violations in enforcement activities, to enhance the implementation of the two supervision tasks. The sixth is to improve the self-correction system of procuratorial authorities, to maintain judicial justice and judicial authority. The seventh is to clarify the relevant application basis to ensure the entire process has the procedural basis.

(Source: [https://www.spp.gov.cn/spp/xwfbh/wsfbh/202107/t20210726\\_524858.shtml](https://www.spp.gov.cn/spp/xwfbh/wsfbh/202107/t20210726_524858.shtml))

**四、最高法出台审理人脸识别技术相关民事案件司法解释 2021.07.28**

**SPC Issues Judicial Interpretation on the Trial of Civil Cases Relating to Facial Recognition Technology**

日前，最高人民法院发布《关于审理使用人脸识别技术处理个人信息相关民事案件适用法律若干问题的规定》（下称《规定》），自 2021 年 8 月 1 日起施行。

Recently, the Supreme People's Court ("SPC") has issued the *Provisions on Several Issues concerning the Application of Law in the Trial of Civil Cases Relating to the Use of Face Recognition Technology to Process Personal Information* (the "Provisions"), with effect from August 1, 2021.

《规定》从侵权责任、合同规则以及诉讼程序等方面确定了 16 个条文。其中，《规定》第 2 条至第 9 条主要从人格权和侵权责任角度明确了滥用人脸识别技术



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处理人脸信息行为的性质和责任；第 10 条至第 12 条主要从物业服务、格式条款效力、违约责任承担等角度对群众普遍关心的问题予以回应。

The *Provisions* contain 16 articles in terms of tort liability, contract rules, legal proceedings, etc. Among them, Articles 2 to 9 of the *Provisions* clarify how to define the nature and responsibilities of the abuse of facial recognition technology to process facial information from the perspectives of personality right and tort liability; Articles 10 to 12 mainly respond to the issues of public concern from the perspectives of property services, validity of standard clauses and the responsibility for breach of contract.

根据《规定》，信息处理者处理人脸信息有“在宾馆、商场、银行、车站、机场、体育场馆、娱乐场所等经营场所、公共场所违反法律、行政法规的规定使用人脸识别技术进行人脸验证、辨识或者分析”等八类情形之一的，法院应当认定属于侵害自然人人格权益的行为。

According to the *Provisions*, if information processors process facial information under any of eight scenarios, including "use of facial recognition technology to conduct face verification, identification or analysis in hotels, shopping malls, banks, stations, airports, stadiums, entertainment venues and other business venues, public places that violate the provisions of laws and administrative regulations, the court shall consider that they infringes upon the personality right of natural persons.

(Source: <http://www.court.gov.cn/fabu-xiangqing-315851.html>)

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