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法律法规简报 2022-10-31

Legal Update 2022-10-31

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一、国家能源局编发《能源碳达峰碳中和标准化提升行动计划》 2022.10.10

NEA Releases Action Plan for Raising Standardization for Carbon Peaking and Carbon Neutrality in Energy Sector

近日, 国家能源局发布《能源碳达峰碳中和标准化提升行动计划》(下称《计划》)。



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The National Energy Administration ("NEA") has recently released the *Action Plan for Raising Standardization for Carbon Peaking and Carbon Neutrality in Energy Sectors* (the "*Plan*").

《计划》提出，到 2025 年，初步建立起较为完善、可有力支撑和引领能源绿色低碳转型的能源标准体系；到 2030 年，建立起结构优化、先进合理的能源标准体系，能源标准与技术创新和产业转型紧密协同发展，能源标准化有力支撑和保障能源领域碳达峰、碳中和。据此，《计划》确立大力推进非化石能源标准化、加强新型电力系统标准体系建设、加快完善新型储能技术标准等重点任务。其中，根据《计划》，与国家标准协调加快构建能源领域碳减排标准化管理、顶层设计和标准体系。服务建立国家碳市场机制需求，加快能源企业碳交易、抵消机制等关键标准研制。

The *Plan* envisions that, by 2025, a relatively complete energy standard system that can effectively support and lead the green and low-carbon transformation in energy sector will be initially established; by 2030, a structurally optimized, advanced and reasonable energy standard system will take shape, energy standards will develop in close coordination with technological innovation and industrial transformation, and energy standardization will provide powerful support and guarantee for carbon peaking and carbon neutrality in energy sector. To this end, the *Plan* identifies multiple key tasks, such as vigorously promoting the standardization for non-fossil energy, strengthening the building of new power standard system, and accelerating the improvement of new energy storage technology standards. Among others, the *Plan* calls for efforts to coordinate with national standards and accelerate the building of standardized management, top-level design, and standard system for carbon emission reduction in energy sector; serve the needs for establishing a national carbon market mechanism and accelerate the development of key standards such as the carbon trading and offset mechanism for energy companies.

(Source: http://www.nea.gov.cn/2022-10/09/c_1310668927.htm)

二、国家药监局：11月1日起全面实施医疗器械电子注册证

2022.10.27



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NMPA to Fully Adopt Electronic Registration Certificates for Medical Devices from November

日前，国家药品监督管理局发出《关于全面实施医疗器械电子注册证的公告》（下称《公告》）。

The National Medical Products Administration (NMPA) has recently released the *Announcement on Fully Adopting the Electronic Registration Certificates for Medical Devices* (the "Announcement").

《公告》明确，自 2022 年 11 月 1 日起全面实施医疗器械电子注册证。《公告》进一步规定，此次医疗器械电子注册证发放范围为自 2022 年 11 月 1 日起，由国家药监局批准的国产第三类、进口第二、三类医疗器械注册证及注册变更文件。医疗器械电子注册证与纸质注册证具有同等法律效力。电子注册证具有即时送达、短信提醒、证照授权、扫码查询、在线验证、全网共享等功能。《公告》提示，企业须先行在国家药监局网上办事大厅注册并实名认证，医疗器械电子注册证不包含产品技术要求、说明书等附件。

The *Announcement* expressly requires the full implementation of the electronic registration certificates for medical devices from November 1, 2022. It further stipulates that, the electronic registration certificates will be issued for the registration certificates for domestic Class III and imported Class II and Class III medical devices that have been approved by the NMPA since November 1, 2022, and the registration change documents thereof. Electronic registration certificates for medical devices, which have the same legal effect as paper ones, have such functions as instant delivery, SMS reminder, license authorization, inquiry via code scanning, online verification, and full-network sharing. The *Announcement* notes that enterprises must register and authenticate their real names in the online service hall of the NMPA, and an electronic registration certificate for a medical device does not include the technical requirements, instructions, and other attachments.

(Source: <https://www.nmpa.gov.cn/xxgk/ggtg/qtggtg/20221026155043182.html>)



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三、香港三读通过《内地民商事判决（相互强制执行）条例草案》 2022.10.26

Hong Kong Adopts Mainland Judgments in Civil and Commercial Matters (Reciprocal Enforcement) Bill upon the Third Reading

10 月 26 日，香港特区立法会三读通过《内地民商事判决（相互强制执行）条例草案》，推动两地民商事判决互认和相互强制执行。

The Legislative Council of the Hong Kong Special Administrative Region adopted on October 26, 2022 the *Mainland Judgments in Civil and Commercial Matters (Reciprocal Enforcement) Bill* upon the third reading, aiming to promote reciprocal recognition and enforcement of judgements in civil and commercial matters by the courts of the mainland and Hong Kong.

《草案》系 2019 年 1 月 18 日特区政府与最高人民法院签订的《关于内地与香港特别行政区法院相互认可和执行民商事案件判决的安排》在港的具体实施。《草案》明确“向香港法院申请登记内地民商事判决”与“授权香港法院就香港民商事判决发出经核证文本和证明书”两套机制，推动两地民商事判决互认和执行机制达至“全覆盖”。香港特区政府律政司司长林定国在会议上发言表示，草案的订立使当事人可以在香港或内地申请执行另一地法院所作出不同类型的民商事判决，减少当事人向两地法院重复提出诉讼的需要。

The *Bill* was introduced to implement the *Arrangement on Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters by the Courts of the Mainland and of the Hong Kong Special Administrative Region* ("HKSAR") signed between the HKSAR Government and the Supreme People's Court on January 18, 2019. It establishes two mechanisms, including "a mechanism for registration in Hong Kong of mainland judgements in civil and commercial matters", and "a mechanism for the application to Hong Kong courts for certified copies of and certificates for Hong Kong judgements in civil or commercial matters" to facilitate parties in seeking recognition and enforcement of the judgements in the mainland. Paul Lam Ting-kwok, the Secretary for Justice of the HKSAR Government, said at the meeting that the enactment of the



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Bill will enable parties involved to apply in Hong Kong or the Mainland for the enforcement of civil or commercial judgments made by the courts of other place, thus reducing repeated lawsuits in both places.

(Source: <https://www.chinanews.com.cn/dwq/2022/10-26/9880599.shtml>)

四、两部门发布《鼓励外商投资产业目录（2022年版）》 2022.10.28

Catalog of Industries for Encouraged Foreign Investment (2022 Edition) Issued by Two Departments

近日，国家发展和改革委员会、商务部联合发布《鼓励外商投资产业目录（2022年版）》（下称《目录》），自2023年1月1日起施行。

The National Development and Reform Commission (NDRC) and the Ministry of Commerce (MOFCOM) have jointly released the *Catalog of Industries for Encouraged Foreign Investment (2022 Edition)* (the "*Catalog*"), with effect from January 1, 2023.

《目录》总条目 1474 条，与 2020 年版相比净增加 239 条、修改 167 条。其中，全国目录共 519 条，增加 39 条、修改 85 条；中西部目录共 955 条，增加 200 条、修改 82 条。主要变化有：一是持续鼓励外资投向制造业。全国目录将继续将制造业作为鼓励外商投资的重点方向，提升产业链供应链水平，新增或扩展元器件、零部件、装备制造等有关条目。二是持续引导外资投向生产性服务业。全国目录将促进服务业和制造业融合发展作为修订重点，新增或扩展专业设计、技术服务与开发等条目。三是持续优化利用外资区域布局。结合各地劳动力、特色资源等比较优势扩大中西部目录鼓励范围。

The *Catalog* consists of 1474 items in total, adding 239 and revising 167 items compared with the 2020 edition. Among them, the national catalog comprises 519 items, with 39 and 85 items being added and revised compared with the previous edition; the catalog for central and western regions comprises 955 items, with 200 and 82 items being added or revised. It mainly involves the following revisions: (1) Continuously encouraging foreign investment to be made in the manufacturing sector. The national



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catalog continues to make manufacturing sector a key destination for foreign investment as it raises the level of supply and industrial chains and adds or expands relevant items, such as components, parts, and equipment manufacturing. (2) Continuously encouraging foreign investment to be made in producer services. Revisions are made to the national catalog with a focus on promoting the integrated development of the service and manufacturing sectors. Such items as professional design, technical service and development are added or expanded. (3) Continuously optimizing the regional layout for the use of foreign investment. The catalog for central and western regions are expanded according to the comparative advantages of various localities, such as their labor force and featured resources.

(Source: https://www.ndrc.gov.cn/xxgk/zcfb/fzggwl/202210/t20221028_1339662.html)

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