



Shanghai CILS® Law Firm
上海信石®律师事务所

Room 2615, Enterprise Square
No. 228 Meiyuan Road, Shanghai 200070
People's Republic of China

中国上海市梅园路 228 号
企业广场 2615 室, 邮编: 200070

Tel: +86 21 80127725
Fax: +86 21 80127724
www.cilslaw.com

法律法规简报 2022-12-30

Legal Update 2022-12-30

目录

Contents

- ✦ [国家药监局发布四文落实《药品网络销售监督管理办法》](#)
NMPA Issues Four Documents Implementing the Measures for the Supervision and Administration of Online Drug Sales
- ✦ [海关总署明确执行《鼓励外商投资产业目录》相关事项](#)
GAC Clarifies Matters Concerning the Implementation of the Catalog of Encouraged Industries for Foreign Investment
- ✦ [工信部出台《工业和信息化领域数据安全管理办法》](#)
MIIT Issues Measures for Data Security Management in the Industrial and Information Technology Sector
- ✦ [信安标委公布新版个人信息跨境处理活动安全认证规范](#)
NISSTC Issues New Specification on Security Authentication for Cross-border Personal Information Processing Activities

一、国家药监局发布四文落实《药品网络销售监督管理办法》 2022.12.01

NMPA Issues Four Documents Implementing the Measures for the Supervision and Administration of Online Drug Sales

日前，国家药品监督管理局发出《关于做好〈药品网络销售监督管理办法〉贯彻落实工作的通知》（下称《通知》）、《药品经营质量管理规范附录 6：药



Shanghai CILS® Law Firm
上海信石®律师事务所

Room 2615, Enterprise Square
No. 228 Meiyuan Road, Shanghai 200070
People's Republic of China

中国上海市梅园路 228 号
企业广场 2615 室, 邮编: 200070

Tel: +86 21 80127725
Fax: +86 21 80127724
www.cilslaw.com

品零售配送质量管理》、《药品网络销售禁止清单（第一版）》、《关于规范药品网络销售备案和报告工作的公告》等四个文件。

Recently, the National Medical Products Administration (NMPA) has issued four documents, including the *Circular on Ensuring Effective Implementation of the Measures for the Supervision and Administration of Online Drug Sales* (the "Circular"), *Appendix VI to the Good Supply Practice for Drugs: Quality Management of Drug Retail Distribution*, *List of Drugs Prohibited for Sale Online (the First Version)* and the *Announcement on Regulating the Record-filing and Reporting of Online Drug Sales*.

《通知》称，《药品网络销售监督管理办法》（简称《办法》）自 2022 年 12 月 1 日起施行。现从切实提高认识，做好《办法》宣传与培训；准确把握重点，将《办法》各项制度落到实处；建立健全机制，全面做好药品网络销售监督管理；严查违法行为，维护药品网络销售秩序等四个方面作出安排。其中，根据《通知》，使用电子处方方向个人销售处方药的，应当与医疗机构或电子处方流转平台签订协议，确保处方来源真实可靠，药品可追溯到消费者或患者。

The *Circular* states that the *Measures for the Supervision and Administration of Online Drug Sales* (the "*Measures*") shall come into force on December 1, 2022. Relevant arrangements will be made in four areas: (1) to effectively raise awareness and provide the publicity and training of the *Measures*; (2) to accurately grasp the key points and put in place the various systems of the *Measures*; (3) to establish a sound mechanism and comprehensively carry out the supervision and administration of online drug sales; and (4) to strictly investigate illegal activities and maintain the order of online drug sales. Among them, the *Circular* requires that, anyone who uses electronic prescriptions to sell prescription drugs to individuals should sign an agreement with medical institutions or with electronic prescription circulation platforms to ensure that the source of prescriptions is authentic and reliable, and that consumers or patients who use drugs can be traceable.

(Source: <https://www.nmpa.gov.cn/xxgk/fgwj/gzwj/gzwjyp/20221130200007127.html>)

<https://www.nmpa.gov.cn/xxgk/ggtg/qtggtg/20221130200516116.html>



Shanghai CILS® Law Firm
上海信石®律师事务所

Room 2615, Enterprise Square
No. 228 Meiyuan Road, Shanghai 200070
People's Republic of China

中国上海市梅园路 228 号
企业广场 2615 室, 邮编: 200070

Tel: +86 21 80127725
Fax: +86 21 80127724
www.cilslaw.com

<https://www.nmpa.gov.cn/xxgk/ggtg/qtggtg/20221130200847133.html>

<https://www.nmpa.gov.cn/xxgk/ggtg/qtggtg/20221130201220115.html>)

二、海关总署明确执行《鼓励外商投资产业目录》相关事项 2022.12.07

GAC Clarifies Matters Concerning the Implementation of the Catalog of Encouraged Industries for Foreign Investment

近日，海关总署发出公告，明确执行《鼓励外商投资产业目录（2022 年版）》有关事项。

Recently, the General Administration of Customs (GAC) has issued an announcement, clarifying matters concerning the implementation of the *Catalog of Encouraged Industries for Foreign Investment (2022 Edition)* (the "Catalog").

公告称，自 2023 年 1 月 1 日起，对目录范围的外商投资项目，在投资总额内进口的自用设备以及按照合同随前述设备进口的技术和配套件、备件，除属于《外商投资项目不予免税的进口商品目录》和《进口不予免税的重大技术装备和产品目录》所列商品外，按照国发 37 号文和海关总署公告 2008 年第 103 号及其他相关规定免征关税，照章征收进口环节增值税。公告规定，2023 年 1 月 1 日以前审批、核准或备案的外商投资项目，属于目录范围的，有关项目单位取得主管部门出具的《项目确认书》等相关文件的，可按规定向海关办理减免税审核确认手续。

According to the announcement, from January 1, 2023, for foreign-invested projects listed in the scope of the *Catalog*, the equipment imported for self uses within the total investment as well as the technology, supporting parts and spare parts imported together with the aforesaid equipment under the contract shall be exempted from customs duties in accordance with the Circular (Guo Fa No. 37) and the Announcement of General Administration of Customs [2008] No. 103 and other pertinent provisions, and shall be subject to import value-added tax in accordance with regulations, save that the



Shanghai CILS® Law Firm
上海信石®律师事务所

Room 2615, Enterprise Square
No. 228 Meiyuan Road, Shanghai 200070
People's Republic of China

中国上海市梅园路 228 号
企业广场 2615 室, 邮编: 200070

Tel: +86 21 80127725
Fax: +86 21 80127724
www.cilslaw.com

equipment falls within the scope of the commodities listed in the *Catalog of Non-duty-free Commodities to Be Imported for Foreign-invested Projects* or in the *Catalog of Imported Key Technical Equipment and Products Ineligible for Duty Exemption*. The announcement states that, for foreign-invested projects approved, granted approval, or filed for record before January 1, 2023, if falling within the scope of the *Catalog*, the project owners may go through the formalities for review and confirmation of duty reduction and exemption with customs authorities in accordance with regulations, by holding such documents as the Project Confirmation Letter issued by the competent authorities.

(Source: <http://www.customs.gov.cn/customs/302249/2480148/4719795/index.html>)

三、工信部出台《工业和信息化领域数据安全管理办法》 2022.12.14

MIIT Issues Measures for Data Security Management in the Industrial and Information Technology Sector

日前，工业和信息化部发布《工业和信息化领域数据安全管理办法（试行）》（下称《办法》），自 2023 年 1 月 1 日起施行。

The Ministry of Industry and Information Technology (MIIT) has recently issued the *Measures for Data Security Management in the Industrial and Information Technology Sector (for Trial Implementation)* (hereinafter referred to as "*Measures*"), effective January 1, 2023.

《办法》主要内容包括七个方面：一是界定工业和信息化领域数据和数据处理者概念，明确监管范围和监管职责。二是确定数据分类分级管理、重要数据识别与备案相关要求。三是针对不同级别的数据，围绕数据收集、存储、加工、传输、提供、公开、销毁、出境、转移、委托处理等环节，提出相应安全管理和保护要求。四是建立数据安全监测预警、风险信息报送和共享、应急处置、投诉举报受理等工作机制。五是明确开展数据安全监测、认证、评估的相关要求。六是规定监督检查等工作要求。七是明确相关违法违规行为的法律责任和惩罚措施。



Shanghai CILS® Law Firm
上海信石®律师事务所

Room 2615, Enterprise Square
No. 228 Meiyuan Road, Shanghai 200070
People's Republic of China

中国上海市梅园路 228 号
企业广场 2615 室, 邮编: 200070

Tel: +86 21 80127725
Fax: +86 21 80127724
www.cilslaw.com

The main content of the *Measures* cover the following seven areas: 1. defining the concepts of data and data processors in the industrial and information technology sector, and defining the regulatory scope and regulatory responsibilities; 2. establishing the requirements related to data classification and grading management, identification of critical data, and record-keeping; 3. for different levels of data, setting forth the corresponding security management and protection requirements focused on data collection, storage, processing, transmission, provision, disclosure, destruction, outbound transfer, transfer, and outsourcing of processing, among other processes; 4. establishing the data security monitoring and alerting, risk information reporting and sharing, emergency response, complaints and reports handling and other work mechanisms; 5. specifying the requirements related to the performance of data security monitoring, certification, and assessment; 6. setting forth regulatory inspection and other work requirements; and 7. specifying the legal liability and penalty measures for related violations.

(Source: https://www.miit.gov.cn/zwgk/zcwj/wjfb/tz/art/2022/art_e0f06662e37140808d43d7735e9d9fd3.html)

四、信安标委公布新版个人信息跨境处理活动安全认证规范 2022.12.19

NISSTC Issues New Specification on Security Authentication for Cross-border Personal Information Processing Activities

近日，全国信息安全标准化技术委员会发布《网络安全标准实践指南—个人信息跨境处理活动安全认证规范 V2.0》（下称《指南》）。

The National Information Security Standardization Technical Committee (NISSTC) has recently issued the *Guide to Cybersecurity Standards - Specification on Security Authentication for Cross-border Personal Information Processing Activities V2.0* (the "Guide").

《指南》包括基本原则、个人信息处理者和境外接收方在个人信息跨境处理活动的个人信息保护、个人信息主体权益保障等内容，为认证机构对个人信息处



Shanghai CILS® Law Firm
上海信石®律师事务所

Room 2615, Enterprise Square
No. 228 Meiyuan Road, Shanghai 200070
People's Republic of China

中国上海市梅园路 228 号
企业广场 2615 室, 邮编: 200070

Tel: +86 21 80127725
Fax: +86 21 80127724
www.cilslaw.com

理者的个人信息跨境处理活动开展认证提供依据, 也为个人信息处理者规范个人信息跨境处理活动提供参考。其中, 《指南》提出, 个人信息处理者和境外接收方应承认个人信息主体享有权利, 并为个人信息主体行使权利提供便利条件。这些权利包括“个人信息权益受到损害时, 个人信息主体有权向个人信息处理者、境外接收方的任何一方提出赔偿要求”等多方面内容。

The *Guide*, involving the basic principles, the personal information protection by personal information processors and overseas receiving parties in cross-border personal information processing activities, and the protection of the rights and interests of personal information subjects, provides basis for authentication institutions to carry out authentication for the cross-border personal information processing activities conducted by personal information processors, and offers reference for personal information processors to regulate their cross-border personal information processing activities. Among others, the *Guide* stipulates that personal information processors and overseas receiving parties shall recognize the rights enjoyed by personal information subjects and provide convenience for them to exercise such rights, which include the right to "claim compensation from either of the personal information processor or the overseas receiving party in the event that the rights and interests of the personal information subjects are damaged".

(Source: <https://www.tc260.org.cn/front/postDetail.html?id=20221216161852>)

本期编辑:

Author:

Haotian Tan

Tel: 86-21-80127725-809

Email: jerry.tan@cilslaw.com

This publication is for informational purpose only. It does not cover every aspect of the topics with which it deals. It should not be construed or relied on as legal advice or to create a lawyer-client relationship. For any further legal advice, please contact us.



Shanghai CILS® Law Firm
上海信石®律师事务所

Room 2615, Enterprise Square
No. 228 Meiyuan Road, Shanghai 200070
People's Republic of China

中国上海市梅园路 228 号
企业广场 2615 室, 邮编: 200070

Tel: +86 21 80127725
Fax: +86 21 80127724
www.cilslaw.com

*Shanghai CILS® Law Firm, a partnership registered at Room 2615, Enterprise Square,
No. 228 Meiyuan Road, Shanghai, PRC.*

CILS® 2022