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编者按：本刊旨在报道与中国有关的跨境贸易与投资的最新动态与我们的实务经验，但本刊不可替代个案的正式法律意见。您若重复收到本刊或者要订阅、退订或进一步了解本刊的内容，请与大成的有关律师联系。

Editor's note: the purpose of this publication is to report the most recent developments in the field of cross-border trade and investment in connection with China, as well as our practical experience therein. However, this publication should not be treated as a substitute for a formal legal opinion in individual cases. If you have received this publication more than once, or would like to subscribe or unsubscribe to this publication, or follow up on any issues raised in this publication, please be in contact with the lawyer you usually deal with at Dacheng Law Offices.

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立法新闻
LEGISLATIVE NEWS

- **商务部专家：上海自贸区将调整外商投资产业目录（来源：www.aastocks.com.cn，2013 年 8 月 28 日）**

  Ministry of Commerce Experts: Shanghai Free Trade Zone to Adjust Catalogue of Foreign Investment Industries(Source: www.aastocks.com.cn, Aug28, 2013)

  8 月 27 日讯，商务部表示，预计人大常委会审议通过后，上海自贸区将正式探讨负面清单，并调整外商投资产业目录。

  On August 27, 2013, the Ministry of Commerce said that, after the deliberation and adoption at the Standing Committee of the National People's Congress, Shanghai Free Trade Zone would officially explore the negative list and adjust the catalogue of foreign investment industries.

  "上海自贸区将取消外商投资涉及的鼓励类、非禁止类产业目录，单设禁止类目录，只要不在禁止名单行列内的行业领域外资即可获得准入投资资格。"商务部研究院综合战略研究室副主任、研究员张莉介绍，现在外商投资目录分为鼓励类、非禁止类以及禁止类，若提交全国人大的法律程序获得通过，预计上海自贸区将取消前两类产业目录，缩小禁止目录范围，让对外资开放领域逐步扩大。

  "Shanghai Free Trade Zone will cancel the catalogues of encouraged or non-prohibited industries involved in foreign investment and set up a separate catalogue of prohibited industries, and foreign investment may enter into any industry or area that is not included in the list of prohibited industries," said Zhang Li, vice chief and researcher of the Comprehensive Strategic Research Office of the Ministry of Commerce. The current catalogue of foreign investment industries contains encouraged, non-prohibited and prohibited industries. If the adjusted catalogue is adopted according to the legal process of the National People's Congress, Shanghai Free Trade Zone is estimated to cancel the catalogue of the said two industries to shorten the scope of the catalogue and gradually expand the areas opening to foreign investment.

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- **《〈内地与香港关于建立更紧密经贸关系的安排〉补充协议十》在香港签署（来源：商务部新闻办公室，2013 年 8 月 30 日）**

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Supplementary Agreement X of the Closer Economic Partnership Arrangement between Mainland and Hong Kong Signed in Hong Kong(Source:www.mofcom.gov.cn, Aug30, 2013)

经国务院批准，2013 年 8 月 29 日，商务部副部长高燕与香港特区政府财政司司长曾俊华在香港签署了《〈内地与香港关于建立更紧密经贸关系的安排〉补充协议十》（《〈安排〉补充协议十》），该协议将于 2014 年 1 月 1 日起正式实施。

Upon approval of the State Council, Gao Yan, the deputy minister of the Ministry of Commerce and Tsang Chun-wah, Financial Secretary (FS) of the Hong Kong Special Administrative Region signed the Supplementary Agreement X of the Closer Economic Partnership Arrangement between Mainland and Hong Kong (the "Supplementary Agreement X of the Arrangement") on August 29, 2013 in Hong Kong, effective as of January 1, 2014.

《〈安排〉补充协议十》在《安排》及其九个补充协议的基础上，对香港进一步扩大开放，包括服务贸易开放、金融合作、贸易投资便利化等内容。特别是服务贸易方面，内地对香港采取 65 项具体措施，在法律、建筑、计算机及其相关服务、房地产、市场调研等 28 个领域在原有开放承诺基础上，进一步放宽市场准入条件、取消股权限制、放宽经营范围和经营地域的限制等。同时，新增加复制服务和殡葬设施服务的开放承诺。截至目前，内地对香港在服务贸易领域开放措施已达 403 项。

According to the Supplementary Agreement X of the Arrangement, Hong Kong opens up more extensively on the basis of the Arrangement and other nine supplementary agreements, including opening up in service trade, financial cooperation, trade and investment facilitation, etc. In particular, the Mainland adopts 65 items of specific measures for Hong Kong in terms of service trade, and further relaxes the conditions for market access, cancels the limitations on equity, relaxes the restrictions on the scope and geographical areas of business operation on the basis of the original opening-up commitments in 28 sectors such as law, construction, computer and its relevant services, real estate, and market research. Moreover, the opening-up commitment to the services of reproduction and funeral facilities is added. Up to now, there are 403 items of opening-up measures in the service trade sector for Hong Kong.

此外，《〈安排〉补充协议十》在金融合作、贸易投资便利化等领域增加了新的合作内容。在金融合作方面，双方同意积极研究内地与香港基金产品互认。为符合资格的香港保险业者参与经营内地交通事故责任强制保险业务提供支持和便利。在贸易投资便利化方面，为支持香港企业开拓内销市场，双方将加强商品检验检疫、质量标准领域的认证认可及标准化管理和知识产权保护领域的合作。

In addition, the Supplementary Agreement X of the Arrangement adds new cooperation projects in financial cooperation, trade and investment facilitation and other sectors. In terms of financial cooperation, both parties agree to actively discuss the mutual recognition of fund products between the Mainland and Hong Kong. It also provides support and facilitation for qualified Hong Kong insurers to engage in the compulsory automobile liability insurance business in the Mainland. In terms of trade and investment facilitation,

both parties will strengthen the certification and authentication in the sectors of commodity inspection and quarantine and quality standards and the cooperation in the sectors of standardization management and intellectual property protection to support Hong Kong-based enterprises' expansion into the Mainland market.

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- **《<内地与澳门关于建立更紧密经贸关系的安排>补充协议十》在澳门签署（来源：www.mofcom.gov.cn，2013 年 9 月 2 日）**

  Supplement X for CEPA between Mainland and Macau Signed in Macau(Source: www.mofcom.gov.cn, Sep2, 2013)

8 月 30 日，商务部副部长高燕与澳门特区政府经济财政司司长谭伯源在澳门签署了《<内地与澳门关于建立更紧密经贸关系的安排>补充协议十》（以下简称《补充协议十》），该协议将于 2014 年 1 月 1 日起正式实施。

On 30 August, the Deputy Minister of MOFCOM Gao Yan and Secretariat for Economy and Finance of Macau SAR Francis Tam Pak Yuen signed "Mainland and Macau Closer Economic Partnership Arrangement" Supplement X (hereafter referred to as Supplement X), which will be implemented as of 1 January 2014.

《补充协议十》在服务贸易方面对澳门采取 65 项具体措施。与刚刚签署的《<内地与香港关于建立更紧密经贸关系的安排>补充协议十》相同，《补充协议十》新增了复制服务和殡葬设施服务的开放承诺。截至目前，内地对澳门在服务贸易领域开放措施已达 383 项。

Supplement X implements 65 specific measures in the field of trade in services in Macau. As the newly signed "Mainland and Hong Kong Closer Economic Partnership Arrangement" Supplement X, Supplement X adds reprography services and funeral services to their liberalisation commitments. As of now, the mainland has implemented 383 liberalisation measures for trade in services between Mainland and Macau.

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- **上海自贸区暂停实施三部法律（来源：www.gov.cn，2013 年 9 月 2 日）**

  Rules in Three Laws to Be Suspended in Shanghai Free Trade Zone(Source: www.gov.cn, Sep 2, 2013)

2013 年 8 月 30 日，第十二届全国人民代表大会常务委员会第四次会议发布《关于授权国务院在中国（上海）自由贸易试验区暂时调整有关法律规定的行政审批的决定》（以下简称《决定》）发布。

On 30 August 2013, the 12th National People's Congress Standing Committee released Decision Authorising the State Council to Temporarily Adjust Administrative Examination and Approval of Several Laws for Shanghai Free Trade Zone (hereinafter referred to as Decision).

《决定》指出自 2013 年 10 月 1 日起三年内，在上海自由贸易试验区内暂时调整

《中华人民共和国外资企业法》《中华人民共和国中外合资经营企业法》和《中华人民共和国中外合作经营企业法》规定的有关行政审批，探索投资准入管理体制创新。

The Decision points out that from 1 October 2013, Shanghai Free Trade Zone will temporarily adjust related administrative examination and approval provisions in Wholly Foreign-Owned Enterprise Law, Law of Sino-Foreign Equity Joint Ventures and Sino-Foreign Cooperative Enterprise Law within three years, to explore institutional innovation in investment access administration.

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投资动态
INVESTMENT DEVELOPMENTS

- **北京：六大市政基础设施领域向社会资本敞开（来源：新华网，2013 年 8 月 1 日）**

  Beijing: Six Big Municipal Infrastructure Sectors Open Up to Social Capital(Source:www.xinhuanet.com, Aug1, 2013)

北京市发展改革委 31 日在第五届投资北京洽谈会上发布，北京市将引进社会资本推动市政基础设施建设，轨道交通、城市道路、综合交通枢纽、污水处理、固废处置和镇域供热等 6 个领域成为试点，拟推出 126 个项目，引进社会资本 1300 亿元。这是北京市首度明确民营资本进入市政领域的具体路径。

Beijing will introduce social capital to promote the construction of municipal infrastructure in six areas on a pilot basis, namely railroad transport, urban roads, integrated transport hub, sewage treatment, disposal of solid waste and urban heat supply, said Beijing Development and Reform Commission at the 5th Invest in Beijing Conference on 31 July. There are 126 proposed projects with social capital of CNY130 billion. This is the first time Beijing has specified the way private capital can be introduced into the municipal sector.

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大成律师事务所建立了覆盖全国、遍布世界重要地区和城市的大成全球法律服务网络。大成的总部设在北京，在中国境内的长春、长沙、常州、重庆、福州、广州、哈尔滨、海口、杭州、合肥、黄石、吉林、济南、昆明、南昌、南京、南宁、南通、内蒙古、宁波、青岛、上海、沈阳、深圳、四川、苏州、太原、天津、温州、武汉、乌鲁木齐、无锡、厦门、西安、西宁、银川、郑州、舟山、珠海等 39 个城市设有分所。

Dacheng Law Offices has built a global network of legal service covering China as well as the major regions and cities worldwide. With its head office based in Beijing, Dacheng has established branch offices in 39 Chinese cities, including Changchun, Changsha, Changzhou, Chongqing, Fuzhou, Guangzhou, Harbin, Haikou, Hangzhou, Hefei, Huangshi, Jilin, Jinan, Kunming, Nanchang, Nanjing, Nanning, Nantong, Inner Mongolia, Ningbo, Qingdao, Shanghai, Shenyang, Shenzhen, Sichuan, Suzhou, Taiyuan, Tianjin, Wenzhou, Wuhan, Urumqi, Wuxi, Xiamen, Xi’an, Xining, Yinchuan, Zhengzhou, Zhoushan, Zhuhai.

大成律师事务所在纽约、洛杉矶、芝加哥、巴黎、新加坡、莫斯科、香港、台湾设立了当地的大成律师事务所，可以为客户提供全面本地业务的法律服务。大成还吸收了 5 家外国律师事务所作为大成网络境外成员单位，并与 9 家外国律师事务所建立了长期稳定的战略合作伙伴关系。

Dacheng Law Offices has incorporated local Dacheng law firms in New York, Los Angeles, Chicago, Paris, Singapore, Moscow,Hong Kong and Taiwan, which is qualified to render a full range of local legal services. Dacheng has 5 foreign associated firms in its oversea network and maintain long standing steady strategic partnership with another 9 foreign law firms.

2009 年，大成作为中国区唯一成员加入了世界最大的、汇集全球顶级律师事务所、会计师事务所、投资公司、金融机构等专业性服务企业和公司的独立专业服务组织 World Service Group（世界服务集团），与 100 多个国家的律师事务所、8 万多名律师建立起了长期稳定的信息交换渠道和业务合作平台，将大成全球化法律服务网络与 WSG 全球网络实现了链接，使大成客户服务体系更广泛地覆盖全球，更有效地满足法律服务市场多样化、多层次的需求。

In 2009, Dacheng Law Offices joined the World Services Group (WSG) as its only member in China. WSG is the world's largest independent multidisciplinary professional service organization with members including professional service providers such as leading law firms, accounting firms, investment companies and financial institutions in the world, whereby Dacheng has established long term steady channel for exchanges, communications and cooperation with law firms and more than 80000 lawyers from more than 100 countries. Dacheng’ global network of legal service is linked with WSG’s global network through its membership, which launches Dacheng’ client service system to the international arena and puts Dacheng into a better position to serve the diversified and comprehensive demands of the legal service market.