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DACHENG LAW OFFICES
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中国法通讯
China Law Newsletter

跨境争议解决
Cross-border Dispute Resolution

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编者按：本刊旨在报道与中国有关的跨境争议解决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 dispute resolution 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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- **商务部发布执行世贸组织贸易救济争端裁决暂行规则（来源：mofcom.gov.cn，2013 年 7 月 30 日）**

  MOFCOM Issues Tentative Rules for Implementing WTO Verdicts on Trade Remedy Disputes (Source: mofcom.gov.cn, Jul 30, 2013)

  7 月 29 日，商务部发布了《执行世界贸易组织贸易救济争端裁决暂行规则》（以下简称《规则》），自公布之日起施行。《规则》明确商务部可依法在世贸组织要求我国反倾销、发布帖或保障措施与世贸组织协定一致时，建议或决定修改、取消相应措施。

  On 29 July, MOFCOM released the Tentative Rules for Implementing WTO Verdicts on Trade Remedy Disputes (hereafter referred to as Rules), which came into effect on the date of release. The Rules clarifies that MOFCOM may advise or decide to revise or cancel relevant measures when WTO requires China to ensure the consistence of anti-dumping, anti-subsidy or provisional measures with WTO agreements.

  根据《规则》，商务部可在作出建议或决定前对有关案件进行再调查。商务部决定修改或者取消价格承诺、承诺、数量限制等措施，或者决定采取其他适当措施的，应当发布公告或者以其他方式通知案件利害关系方。

  According to the Rules, MOFCOM may launch investigations before it makes recommendations or decisions on certain cases. MOFCOM should release an announcement or inform interested parties using other means when it decides to revise or cancel measures for price undertaking, commitments or quantitative restrictions.

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司法动态
JUDICIAL DEVELOPMENTS

- **最高法建立公布失信被执行人名单制度（来源：chinacourt.org，2013 年 7 月 23 日）**

  Chinese Supreme Court to Create Credit Blacklists of Judgment Defaulters (Source:

DACHENG LAW OFFICES
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chinacourt.org, Jul 23, 2013)

最高法日前发布《最高人民法院关于公布失信被执行人名单信息的若干规定》。《规定》将于 2013 年 10 月 1 日起施行，具备履行能力而拒不履行义务的失信被执行人将被纳入信用“黑名单”，并予以公布。《规定》明确规定了对失信被执行人进行信用惩戒。《规定》明确了失信信息记载内容、公布范围和方式，并依托社会信用体系推出定向通报制度。《规定》要求公布失信被执行人的身份证号码，以保护其他公民不因同名同姓而损害名誉。

The Supreme People’s Court has issued the Provisions of the Supreme People’s Court on Releasing the List of Judgment Defaulters in Enforcement Proceedings (the Provisions), which shall come into force on 1 October 2013, the Provisions state that the courts will create credit “blacklists” of persons who have the capacity to perform but fail to perform the judgments in enforcement proceedings and make them available to the public. The Provisions also specify the punishments that the judgment defaulters will receive. The information relating to persons who fail to perform court judgments, the scope and method of such information releases are also specified in the Provisions, and a regular reporting system will be developed through the social credit system. The Provisions require releasing the ID number of the defaulter so that other citizens with the same name will be protected from defamation.

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仲裁动态
ARBITRATION DEVELOPMENTS

- **江苏出台劳动人事争议调解仲裁办法（来源：www.jshrss.gov.cn，2013 年 7 月 15 日）**
  Jiangsu Releases Measures for Mediation and Arbitration of Labour Disputes (Source: www.jshrss.gov.cn, Jul 15, 2013)

近日，江苏省人力资源和社会保障厅公布了《江苏省劳动人事争议调解仲裁办法》（以下简称《办法》），自 2013 年 8 月 1 日起执行。1995 年 1 月 13 日江苏省人民政府发布的《江苏省企业劳动争议处理办法》和 2005 年 12 月 7 日发布的《江苏省人事争议处理暂行办法》同时废止。

Recently, the Jiangsu Human Resources and Social Security Bureau released the Measures for Mediation and Arbitration of Labour Disputes (hereafter referred to as Measures), which will be implemented from 1 August 2013. The Measures for Jiangsu Enterprise Labour Dispute Settlement released on 13 January 1995 and Interim Measures for Jiangsu Labour Dispute Settlement released on 7 December 2005 will be nullified at the same time.

《办法》也适用于外国人、无国籍人及港澳台居民，并对江苏省劳动争议调解、仲裁程序做出了相应规定，其中明确劳动人事争议案件代理人不得从事风险代理。

The Measures also applies to foreigners, stateless persons and residents of Hong Kong, Macau and Taiwan, and stipulates the corresponding regulations for labour dispute mediation and arbitration procedures. It clarifies that attorneys may not charge contingency fees for labour dispute cases.

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大成律师事务所成立于 1992 年，是亚洲最大的综合性律师事务所之一。大成总部设在北京，拥有中国最大的全球化法律服务网络，在长春、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、香港、台北、莫斯科、新加坡、巴黎、首尔、华盛顿、东京、纽约、芝加哥、旧金山、多伦多、墨西哥、圣保罗、利马、伦敦、布鲁塞尔、柏林、阿姆斯特丹、马德里、斯德哥尔摩、迪拜、开罗、开普敦、阿布贾、特拉维夫、悉尼等城市设有分支机构或联盟机构。

Founded in 1992, Dacheng Law Offices is one of the largest law firms of full services in Asia. Headquartered in Beijing, Dacheng has the largest global legal services network of any law firm in China, with branch offices or alliance partners in 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, Hong Kong, Taipei, Moscow, Singapore, Paris, Seoul, Washington, Tokyo, New York, Chicago, San Francisco, Toronto, Mexico, St. Paul, Lima, London, Brussels, Berlin, Amsterdam, Madrid, Stockholm, Dubai, Cairo, Cape Town, Abuja, Tel Aviv, Sydney.

争议解决与强制执行是大成的传统优势业务，大成曾获得《亚洲法律事务》（ALB）2009 年度"纠纷解决律师事务所大奖"。大成可以通过其全球化法律服务网络，帮助客户高效、经济地处理发生在中国各地及其法律服务网络内其他国家和地区的争议。大成在争议解决领域与强制执行可以提供如下法律服务：

Dacheng traditional strength is in the field of dispute resolution and enforcement, and was awarded the Dispute Resolution Law Firm of Year 2009 by Asian Legal Business (ALB). Drawing upon its global legal services network, Dacheng is able to assist clients in resolving, in a highly efficient and economical manner, disputes arising in any location throughout China, as well as all other countries and regions forming part of its global legal services network. Dacheng offers the following legal services in the field of dispute resolution and enforcement:

(1) 争议解决谈判与争议和解；
Negotiations in the course of dispute resolution and settlement of disputes;

(2) 诉前法律咨询；
Pre-action legal consultancy;

(3) 诉前调查取证；
Pre-action investigation and evidence-gathering;

(4) 证据保全;
Preservation of evidence;

(5) 财产保全；
Preservation of assets;

(6) 诉讼仲裁代理；

Representation in litigation and arbitration proceedings;

(7) 中国法院生效法律文书的强制执行；

Enforcement of effective legal instruments of the PRC courts;

(8) 中国仲裁机构（如中国国际经济贸易仲裁委员会）生效裁决的强制执行；

Enforcement of the effective awards of Chinese arbitration institutions (such as the China International Economic and Trade Arbitration Commission);

(9) 香港、澳门及台湾法院生效法律文书在中国的承认与执行；

Recognition and enforcement of the effective legal instruments of the courts of Hong Kong, Macau and Taiwan in mainland China;

(10) 外国仲裁裁决在中国的承认和执行；及

Recognition and enforcement of foreign arbitral awards in China; and

(11) 基于争议解决实务经验的法律风险管理。

Legal risks management based on our practical experience in dispute resolution.