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中国法通讯
China Law Newsletter
跨境贸易与投资
Cross-border Trade and Investment

第 24 期 • Issue 24
2013 年 8 月•August2013

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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- **商务部加强和改善外商投资融资租赁公司审批与管理工作（来源：mofcom.gov.cn，2013 年 7 月 18 日）**

  MOFCOM Improves Approval & Management Procedures For Foreign Invested Financing & Leasing Companies(Source: mofcom.gov.cn, Jul18, 2013)

商务部日前发布《关于加强和改善外商投资融资租赁公司审批与管理工作的通知》。《通知》规定：1、对在上一会计年度内未开展实质性融资租赁业务、年检不合格以及发生违法违规行为的企业，各地应责令其整改，并将整改情况及时报商务部。2、外资融资租赁公司不得从事吸收存款、发放贷款、受托发放贷款等活动；未经相关部门批准，不得从事同业拆借、股权投资等业务。3、外资融资租赁公司不得以任何形式为承担政府公益性项目的地方政府融资平台公司提供直接或间接融资。

The Ministry of Commerce (MOFCOM) recently issued a Notice on Enhancing and Improving the Approval & Management Procedures of the Foreign Invested Financing & Leasing Companies. The Notice specifies the following: 1. For enterprises failing to conduct any substantial financing and leasing business and to pass the annual inspection, or engaging in illegal activities, local authorities are obliged to request them to rectify and report the rectification progress to MOFCOM timely; 2. Foreign financing and leasing companies are not allowed to undertake such businesses as attracting deposits, issuing loans or issuing loans on behalf of any other party; without the prior consent of the relevant authorities, no interbank or equity investment business should be conducted. 3. Foreign financing and leasing companies are prohibited from providing direct or indirect financing to local government financing platform companies operating government public projects.

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- **国家外汇管理局发布《服务贸易外汇管理指引》及其实施细则（来源：国家外汇管理局，2013 年 7 月 25 日）**

  State Administration of Foreign Exchange Releases Guidance for Foreign Exchange Management of Service Trade and Implementation Rules(Source:www.safe.gov.cn, Jul25, 2013)

国家外汇管理局发布《国家外汇管理局关于印发服务贸易外汇管理法规的通知》

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（《通知》），在全国范围内实施服务贸易外汇管理改革。《通知》中包括《服务贸易外汇管理指引》、《服务贸易外汇管理指引实施细则》及废止文件目录。

To implement the reform of foreign exchange management of service trade throughout China, the State Administration of Foreign Exchange (SAFE) released the Circular of the State Administration of Foreign Exchange on Printing and Distributing Laws and Regulations for Foreign Exchange Management of Service Trade (the "Circular") which covers such contents as Guidance for Foreign Exchange Management of Service Trade, Implementing Rules of the Guidance for Foreign Exchange Management of Service Trade and a directory of repealed files.

根据《通知》，此次改革的主要内容包括：小额交易无需审单。服务贸易小额收付汇业务可在金融机构直接办理，金融机构对单笔等值 5 万美元以下的服务贸易收付汇业务原则上可不审核交易单证。境内机构和个人需留存每笔服务贸易外汇收支相关交易单证 5 年备查。

According to the Circular, main contents of the reform include: examination of documents is unnecessary for the transaction in small amount; foreign exchange payment and receipt in small amount for service trade may be processed directly in financial institutions which, in principle, may skip the examination of trade documents for any single transaction of foreign exchange payment and receipt for service trade with amount less than USD50,000; domestic institutions and individuals shall keep the documents in connection with each transaction of foreign exchange payment and receipt for service trade for five years for future examination.

《通知》中的废止文件目录，废止 50 多项相关法规文件，为涉外主体办理服务贸易外汇业务提供系统、清晰、透明的法规依据。

The directory of abolished files in the Circular includes over 50 laws and regulations, which provides the subjects concerning foreign affairs with systematic, clear and transparent laws and regulations bases for processing foreign exchange transactions of service trade.

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- **质检总局发布《出入境检验检疫企业信用管理办法》（来源：国家质量监督检验检疫总局，2013 年 7 月 26 日）**

The General Administration of Quality Supervision, Inspection and Quarantine Releases Measures for Credit Management of Entry-Exit Inspection and Quarantine Enterprises (Source: www.aqsiq.gov.cn, Jul26, 2013)

国家质量监督检验检疫总局制定了《出入境检验检疫企业信用管理办法》（《办法》），自 2014 年 1 月 1 日起执行。

The General Administration of Quality Supervision, Inspection and Quarantine (GAQSIQ) has formulated the Measures for Credit Management of Entry-Exit Inspection and Quarantine Enterprises (the "Measures"), which will come into effect as of January 1, 2014.

《办法》所称信用管理是指出入境检验检疫机构对企业的信用信息开展的记录、处理、使用和公开等活动。

The credit management mentioned in the Measures refers to such activities as recording, handling, using and publication of credit information of enterprises which are carried out by the entry-exit inspection and quarantine institutions.

根据《办法》，企业信用信息包括企业基本信息、企业守法信息、企业质量管理能力信息、产品质量信息、检验检疫监管信息、社会对企业信用评价信息以及其他相关信息。

According to the Measures, the credit information of enterprises includes the enterprise essential information, regulation-compliance information, information concerning quality management capacity of enterprises, product quality information, inspection and quarantine supervision information, social evaluation information of the enterprise credit and other relevant information.

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投资动态
INVESTMENT DEVELOPMENTS

- **国务院通过上海自由贸易试验区总体方案（来源：潇湘晨报，2013 年 7 月 3 日）**

  State Council Approves Overall Scheme for Shanghai Free Trade Pilot Zone(Source:www.xxcb.cn, Jul3, 2013)

7 月 3 日，国务院常务会议原则通过了《中国(上海)自由贸易试验区总体方案》(《方案》)。

On July 3, 2013, the Overall Scheme of China (Shanghai) Free Trade Pilot Zone (the "Scheme") was adopted at the executive meeting of the State Council in principle.

《方案》最终将可能落实到金融、贸易、航运等五大领域的开放政策，以及管理、税收、法规等五个方面的一揽子创新。涉及金融方面的包括利率市场化、汇率自由汇兑、金融业的对外开放等。

Eventually, the Scheme will probably implement the opening policies in five fields including finance, trade and shipping and a package of innovative measures in five aspects including administration, taxation and legislation. Those involving the finance aspect include the interest rate marketization, free exchange rates and the opening policies for the finance industry.

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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.