

卓阅

NEWSLETTER

卓阅·2020第04期

成为最受客户认可的专业律师事务所
TO BE THE MOST RECOGNIZED PRESTIGIOUS LAW FIRM

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证监会明确非上市公司行政许可事项有关事宜

日前，中国证券监督管理委员会发出2020年第13号公告，明确非上市公司行政许可事项的有关事宜，自公布之日起施行。

公告称，根据《非上市公司监督管理办法》，自本公告公布之日起，境内符合条件的股份公司可以提出以下行政许可申请：股东人数超过200人的股份公司申请股票在全国中小企业股份转让系统挂牌公开转让核准、股票公开转让的非上市公司向不特定合格投资者公开发行股票核准、股份公司向特定对象发行证券导致证券持有人累计超过200人或者股东人数超过200人的非上市公司向特定对象发行证券核准等。公告指出，上述行政许可申请由证监会行政许可受理服务中心受理相关申请材料。相关行政许可事项应向证监会申请核准，并提交全国股转系统的自律监管意见。

Matters Concerning Administrative Licensing Items for Non-listed Public Companies Clarified

The China Securities Regulatory Commission ("CSRC") has recently issued the Announcement [2020] No.13, immediately effective from the date of issuance, to clarify matters related to administrative licensing items for non-listed public companies.

The announcement reads that according to the Measures for Supervision and Administration of Unlisted Public Companies, immediately from the date when this announcement is released, a qualified joint-stock company within the territory of China may file three types of applications for administrative licensing as follows: an application for approval filed by a joint-stock company with over 200 shareholders to list and publicly transfer its shares on the National Equities Exchange and Quotations (NEEQ), an application for approval filed by a non-listed public company whose shares are publicly transferred to publicly offer shares to non-specific qualified investors, and an application for approval filed by a joint-stock company to offer securities to specific targets which will result that the security holders will total over 200 or by a non-listed public

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company with over 200 shareholders to offer securities to specific targets. The announcement also notes that documents regarding applications for the aforesaid administrative licensing items will be accepted by the CSRC's service center for acceptance of administrative licensing applications, adding that for certain administrative licensing items, applications for approval need to be filed with the CSRC, and the NEEQ's self-regulatory opinions should also be submitted.

四部门：分批推进商业银行和保险机构参与国债期货市场交易

近日，中国证券监督管理委员会等四部门联合发出《关于商业银行、保险机构参与中国金融期货交易所国债期货交易的公告》（下称《公告》）。

《公告》明确：一、符合条件的商业银行可以风险管理为目的，试点参与中国金融期货交易所国债期货交易。二、具备投资管理能力的保险机构可以风险管理为目的，参与中国金融期货交易所国债期货交易。三、商业银行、保险机构应在依法合规、风险可控、商业可持续的前提下，参与国债期货交易。四、参与国债期货交易的商业银行、保险机构，应建立完善的全面风险管理和内部控制制度及业务处理系统，具备专业的管理团队和规范的业务操作流程，防范和控制交易风险。

Commercial Banks and Insurance Institutions to Participate in Batches in the Trading of Treasury Futures

Recently, four departments including the China Securities Regulatory Commission ("CSRC") have jointly issued the Announcement on Engagement of Commercial Banks and Insurance Institutions in the Trading of Treasury Futures on the China Financial Futures Exchange (the "Announcement").

The Announcement reads that: 1. Qualified commercial banks may, for the purpose of risk management, participate in the trading of treasury futures on the China Financial Futures Exchange ("CFFEX") on a pilot basis; 2. Insurance institutions with the capacity for investment management may, for the purpose of risk management, participate in the trading of treasury futures on the CFFEX; 3. Business compliance, risk controllability and commercial sustainability shall be the prerequisite for the participation of commercial banks and insurance institutions in the trading of treasury futures; and 4. Commercial banks and insurance institutions that participate in the trading of treasury futures shall establish sound bylaws for all-round risk management and internal control and the business processing system and have in place a specialized management group and standard business operating procedures, to prevent and control trading risks.

国家发改委对《国家救灾农药储备管理办法（暂行）》征求意见

近日，国家发展和改革委员会起草了《国家救灾农药储备管理办法（暂行）（征求意见稿）》（下称《征求意见稿》），现公开征求意见，意见反馈截至3月26日。

《征求意见稿》包含储备管理、承储企业基本条件及选定方式、承储企业责任等九章。其中，《征求意见稿》明确，国家救灾农药储备为全年储备，期限为每年4月1日至次年3月31日。同时，《征求意见稿》规定，国家救灾农药储备承储企业兼顾大型农药生产、流通企业，应具备“注册资金原则上不低于5000万元”等八项基本条件。承储企业在储备期间应履行“严格落实年度储备任务”等六项义务。此外，《征求意见稿》还指出，承储企业出现“未按要求落实储备任务”等五项情形的，终止承储资格，取消或收回利息补贴，两个招标期内不得承担国家救灾农药储备任务。

NDRC Invites Comments on Administrative Measures for National Pesticide Reserves for Disaster Relief (Interim)

The National Development and Reform Commission ("NDRC") has recently drawn up and issued the Administrative Measures for National Pesticide Reserves for Disaster Relief (Interim) (Draft for Comment) (the "Draft for Comment") for public comment by March 26, 2020.

The Draft for Comment is divided into nine chapters, including management of the reserves, basic conditions of enterprises where the reserves are stored and methods to select such enterprises, and responsibilities of enterprises where the reserves are stored. Among others, the Draft for Comment proposes that national pesticide reserves for disaster relief will be stored based on the annual cycle from April 1 each year till March 31 of the next year. In addition, the Draft for Comment prescribes that enterprises where national pesticide reserves for disaster relief are stored shall include both large pesticide manufacturers and pesticide circulation enterprises, and shall satisfy eight basic requirements, including "having a

国家发改委对《国家救灾农药储备管理办法（暂行）》征求意见

registered capital of not less than CNY50 million in principle". These enterprises shall fulfill six obligations, including "strictly accomplishing the annual storage tasks", during the period of storage. Moreover, the Draft for Comment provides that in case the enterprise where the reserves are stored fails to accomplish the storage tasks as required, or falls in any of another four circumstances, it will be disqualified from the storage, with the interest subsidies canceled or recovered, and be banned from bidding, in the next two bidding periods, for undertaking the storage of national pesticide reserves for disaster relief.

市场监管总局修订公布《食品生产许可分类目录》

近日，国家市场监督管理总局发布《关于修订公布食品生产许可分类目录的公告》（下称《公告》）。

《公告》称，自2020年3月1日起，《食品生产许可证》中“食品生产许可品种明细表”按照新修订《食品生产许可分类目录》（下称《目录》）填写。《目录》详细规定了粮食加工品，食用油、油脂及其制品，调味品等32种食品、食品添加剂类别及其类别编号、类别名称、品种明细和备注等内容。《公告》还注明，“备注”栏填写其他需要载明的事项，比如，生产保健食品、特殊医学用途配方食品、婴幼儿配方食品的需载明产品注册批准文号或者备案登记号等。同时，按照“其他食品”类别申请生产新食品原料的，其标注名称应与国家卫生健康委员会公布的可以用于普通食品的新食品原料名称一致。

SAMR Issues Revised Catalog of Food Production Licensing Classifications

The State Administration for Market Regulation ("SAMR") has recently issued the Announcement on Revising and Issuing the Catalog of Food Production Licensing Classifications (the "Announcement").

The Announcement reads that from March 1, 2020, the Detailed List of Licensed Varieties of Food, a certificate affiliated to the Food Production License, should be filled out and prepared in accordance with the latest Catalog of Food Production Licensing Classifications (the "Catalog"). The Catalog outlines in detail 32 types of food and food additives, including "food from grain processing", "edible oil, fats and products made therefrom" and "seasoning", as well as their classification codes, sub-categories, specific products, and notes. The Announcement also explains that the Column "Notes" is intended for other information that need to be presented, for example, the number of product registration approval certificate or of product record-filing certificate shall be indicated for dietary supplements, food for special medical purposes and infant formula

市场监管总局修订公布《食品生产许可分类目录》

food. In addition, for an application filed for producing a new type of food ingredient under the classification of "other types of food", its name specified in the application should be consistent with that on the list of new food ingredients usable in ordinary food released by the National Health Commission ("NHC").



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2019、2018、2017《钱伯斯亚太区法律指南》“东南沿海（北京）受关注律所”

CHAMBERS

2014年“中国十五佳律师新星” | 2015年“ALB中国最佳雇主”

2016年“ALB2016年客户最青睐的20位中国顶级律师” | 2018年“ALB中国最佳雇主”

2018年“ALB最具潜力律师事务所” | 2019年“ALB CHINA精品律所”

ASIAN
LEGAL
BUSINESS
ALB

2014年 卓越律所大奖 | 2016年“2016年度杰出交易”

2016年、2017年“THE A LIST 法律精英100强”

2018年 卓越律所大奖——结构性融资/资产证券化业务领域

2019年 卓越律所大奖——资本市场领域

CHINA BUSINESS
LAW JOURNAL
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2015年度能源和基础设施领域推荐律师事务所

2019年“并购领域中国区域受关注律所”

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