



Weekly Express



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WEEKLY EXPRESS - INFORMATIONS JURIDIQUES

CHINA

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[NATIONAL] MOFCOM Issues Regulation Against Inappropriate Long-arm Jurisdiction

The Ministry of Commerce (the “**MOFCOM**”) released on January 9, 2021 the Measures for Blocking Inappropriate Application of Foreign Laws and Measures (the “**Measures**”), with immediate effect. The Measures stated that Chinese citizens, legal entities and organizations shall report inappropriate application of restrictive measures that are designed to bar normal economic and trade activities between China and other countries.

According to the Measures, if foreign laws and measures are inappropriately applied in a third country, the MOFCOM can issue an injunction not to recognize, implement or comply with the foreign laws and measures. Based on practical conditions, the work mechanism can suspend or cancel the injunction.

[NATIONAL] Announcement of the SFDA on Issuing the Administrative Measures for Drug Post-marketing Changes (for Trial Implementation)

On January 12, the State Food and Drug Administration (the “**SFDA**”) announced the Administrative Measures for Drug Post-Marketing Changes (Trial) (the “**Measures**”), which will come into force on the date of issuance.

The Measures clarify the responsibilities and obligations of holders in the management of post-market drug changes. The holder is the main body responsible for the change management of the drug after it is marketed. The post-marketing change management obligations of the holder include: actively carrying out post-marketing research, realizing the full life cycle management of the drug, establishing a post-marketing change control system, formulating and implementing the holder’s internal change classification principles, list of changes, working procedures and risks Management standards, determining the type of change management, declaring in accordance with regulations and the type of change management, and implementing or reporting after approval and filing.

[National] The Draft of the Administrative Measures for Credit Reporting Business

It was released for public comments on Jan 11, 2021. It defines the term “*credit information*” and also regulates the cross-border flow of credit information of individuals and enterprises. Credit information refers to all kinds of information that provides services for financial and economic activities and is used to judge the credit status of individuals and enterprises. Including but not limited to: personal and business identity, address, transportation, communications, debt, property, payment, consumption, production and operation, performance of legal obligations and other information, as well as based on the above information on the identity of individuals and enterprises formed by the analysis, evaluation of information.

[National] The Draft of the Administrative Measures for Internet Information Services

It was released for public comments on Jan 8, 2021. It provides for the publication, preservation and security of personal information on the Internet, and gives penalty rules for the increasingly widespread production of fake accounts, as well as clear requirements for false registration and other acts.

[National] Guidelines for the Prevention of Ethical Security Risks in Artificial Intelligence (National Standard)

It was released on Jan 5, 2021. It requires that before carrying out AI-related activities, ethical security risk analysis should be implemented, and the basic rights of individuals, including personal, privacy, property and other rights, should be respected and protected, paying special attention to the protection of vulnerable groups.

[National] Measures for the Administration of the Registration and Filing of Cosmetics

It was released on Jan 7, 2021 and it will be effective on May 1, 2021. This is first Chinese regulation specifically for cosmetics registration and filing management. It clearly stipulates the registration and filing management of new raw materials for cosmetics, the registration and filing management of cosmetics, supervision and management, and relevant legal liability. In accordance with the principle of risk management, it implements classification management of cosmetics and cosmetic raw materials. Thus, it is a strong support to the Regulations on the *Supervision and Administration of Cosmetics*, which was released on June 16, 2020 and became effective on Jan 1, 2021.