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【ATTENTION】

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LEGAL NEWS EXPRESS

01 Shanghai Employment Promotion Regulations

In order to promote high-quality and full employment, make the coordination of economic development and employment expansion, and maintain social harmony and stability, Shanghai Employment Promotion Regulations, which passed through the first meeting by the Standing Committee of the Sixteenth Shanghai Municipal People's Congress, has come into force on March 1, 2023. Shanghai Municipal Regulations on Promoting Employment in 2005 was abolished simultaneously. The main contents of the Regulations are as follows:

1. Strengthen policy support and entrepreneurship support. In order to implement the employment priority strategy and strengthen the policy, first by the Regulations is to strengthen the support for employment by investment, industry, region, fiscal and taxation, finance, education, talent and other policies, broaden market-oriented and socialized employment channels, increase employment opportunities, optimize enterprise employment guarantee services, and improve the quality of employment; and the second is

to clarify the content of entrepreneurship support measures, entrepreneurship training, entrepreneurship services, and entrepreneurship carrier construction, so as to drive employment through entrepreneurship.

2. Strengthen policy support and entrepreneurship support. In response to unreasonable factors and employment discrimination that affect equal employment in practice, first by the Regulations is to regulate human resources services, gender equality in employment, and protection of employment rights and interests of disabled people; and the second is to clarify the protection of employment rights and interests of patients with infectious diseases and carriers of infectious disease pathogens; then the third is to restrict the inquiry of workers' medical records, medical test reports, and criminal records.

3. Improve flexible employment promotion measures. In order to give full play to the positive role of flexible employment in stabilizing employment and ensuring the employment of residents, support flexible

employment through multiple channels, and regulate the development of new employment forms, first by the Regulations is to focus on flexible employment services, vocational skills training for flexible employees, and protection to flexible employees' rights and interests, etc.; and the second is to aim at the new

employment form, clarifying Internet platform companies' legal and compliant employments and other contents; then the third is to establish and improve the occupational injury protection system for workers in the new employment form.

02 Notice on Publishing the Special Labor Protection System for Female Employees in the Workplace (Reference Text) and the Elimination System of Sexual Harassment in the Workplace (Reference Text) by the General Office of the Ministry of Human Resources and Social Security and Other Six Departments

In order to guide employers to improve the special labor protection system for female employees in the workplace and eliminate system of sexual harassment in the workplace, effectively protect female employees' legitimate rights and interests, promote their physical and mental health, and create a safe, healthy, and comfortable working environment, the Ministry of Human Resources and Social Security and other six departments have formulated the Special Labor Protection System for Female Employees in the Workplace (reference text) and the Elimination System of Sexual Harassment in the Workplace (reference

text), according to the Labor Law, Labor Contract, Law on the Protection of Women's Rights and Interests, Special Provisions on Labor Protection of Female Employees, Regulations on Health Care of Female Employees, and other laws and regulations and relevant policies. The employer can further refine and improve the relevant content of the reference text according to the local regulations and the actual situation.

The official download URL of these two reference texts can be found at: http://www.mohrss.gov.cn/xxgk2020/fdzdgknr/zcfg/gfxwj/ldgx/202303/t20230309_496485.html?keywords=

03 Decision on Amending Some Regulations by the General

Administration of Customs (No. 262)

In order to implement the spirit of the 20th National Congress of the Communist Party of China, in accordance with the decision-making deployment to optimize the business environment and the relevant requirements for the full implementation on the management of the list of administrative licensing items by the Party Central Committee and the State Council, the General Administration of Customs has decided to revise the Interim Measures for the Administration of Customs Advance Rulings and other 22 regulations, which will come into force on April 15, 2023. The main contents are as follows:

1. For the Interim Measures on the Administration of Customs Advance Rulings (No. 236), "registration" in Article 4 and the first paragraph of Article 7 will be replaced with "recording".

2. For the Measures of Customs for Handling Imported Goods Undeclared Overdue, Misunloaded or Overloaded Imported Goods and Abandoned Imported Goods (Amendment No. 91), "registrate through customs declaration" in Article 12 will be replaced with "file with the customs declaration unit".

3. For the Administrative Measures for the Quantity, Weight, and Appraisal of Imported and

Exported Commodities (amended after the original No. 103): (1) delete "solid waste that can be used as raw materials" in the first paragraph of Article 14; (2) delete Article 26; (3) "All kinds of domestic and foreign inspection and appraisal institutions that have been approved by the General Administration of Customs must accept the entrustment of foreign economic and trade relations within the scope of the permit" in Article 27 will be replaced with "All kinds of domestic and foreign inspection agencies established in accordance with the law can accept the entrustment of foreign economic and trade related parties".

4. For the Administrative Measures for the Inspection and Appraisal of Damaged Imported Commodities (Amendment No. 238): (1) "with the approval of the General Administration of Customs" in the first paragraph of Article 4 and Article 6 will be replaced with "established according to law"; (2) delete Article 22; (3) "All kinds of domestic and foreign inspection agencies that have been approved by the General Administration of Customs must be within the scope of the license" in the first paragraph of Article 23 will be replaced with "All kinds of domestic and foreign inspection agencies established in accordance with the law

may"; (4) delete the first paragraph of Article 26.

5. For the Measures for the Administration of Inspection and Quarantine of Entry and Exit Containers (Amendment No. 238): (1) delete Article 11; (2) Article 21 will be replaced with

"The sanitation and pest removal of inbound and outbound containers shall be implemented in accordance with the law and be subject to customs' supervision".

04 Notice on Publishing 2023 Key Points of Comprehensively Deepening the Reform of "Government Online-Offline Shanghai" by the General Office of Shanghai Municipal People's Government

The General Office of Shanghai Municipal Government recently released 2023 Key Points of Comprehensively Deepening the Reform of "Government Online-Offline Shanghai", deciding to create a version 2.0 of Smart Easy Office for "Government Online-Offline Shanghai". The main contents are as follows:

1. Optimize and expand online and offline assistant services

Comprehensively improve the response speed and accurate resolution of the "Government Online-Offline Shanghai". Online, "Double 100" frequently sets "professional manual assistance" for the applications of government service items, achieving one-minute response and 90% resolution rate; three-party calls of "12345" hotline are directly transferred to

departmental professionals for answering, and the connection rate is 90%.

Establish an online and offline closed-loop linkage mechanism for the feedback of "unaccomplished items", by setting up online feedback channels for quitting midway during "unaccomplished items" and making offline government service halls at all levels set up reflection windows for "unaccomplished items".

2. Deepen the "Free Application to Enjoy" model of policies and services

Promote the full coverage of "Free Application to Enjoy" and "Policy Checkup" for the policies and services with ripe conditions that benefit both enterprises and people, including administrative payment, capital subsidy support, and tax incentives. Add 28 new

municipal-level "Free Application to Enjoy" services.

3. Continue to promote the "Two Exemptions from Submission"

Improve the certificate authorization system, develop online multi-level authorization investigation application scenarios, and enable the investigation and taking of evidence related to empowered subject' s complex matters to be exempted from submission. Simplify the certification materials for the use of corporate residences, expand the exemption methods from submitting, and further promote the exemption of submission to more administrative materials at the municipal and district levels through administrative assistance and notification of

certification matters. Realize the exemption of submitting the historical materials of the same project or subject, based on the blockchain technology to deepen the sharing application of electronic materials.

4. Strengthen the application of electronic license management

Comprehensively promote the wide application of electronic business licenses, electronic seals, electronic signatures, electronic invoices, and electronic files in the field of government services. Expand the scope of simultaneous production and issuance of electronic certificates and physical certificates, and promote the delivery of electronic certificates.

05 Internet Advertising Management Measures Issued by the State Administration for Market Regulation

In order to regulate Internet advertising activities and protect the legitimate rights and interests of consumers, the State Administration for Market Regulation has recently revised and released the Internet Advertising Management Measures, which will be officially implemented on May 1, 2023. The new Measures further refines the responsibilities of Internet advertising-related business entities, clarifies the

conduct code, and strengthens regulatory measures, which are of great significance to maintain the order of the Internet advertising market and promote the healthy and sustainable development of the digital economy. The main adjustments of the Measures are as follows:

1. When publishing Internet advertisements in the form of pop-ups, advertisers and advertisement publishers shall clearly mark the

closing sign to ensure one-click closing, and the following circumstances shall not be allowed: (1) the advertisement has no closing sign or can only be closed after the countdown; (2) the closing sign is false, unrecognizable or difficult to locate, etc., setting up obstacles for closing advertisements; (3) closing advertisements requires more than two clicks; (4) in the process of browsing the same page or the same document, advertisements continue to pop up after closing, affecting the normal operation of users to use the Internet; (5) other behaviors that affect one-click closing. The provisions of the preceding paragraph also apply to the splash screen advertisements displayed and released when launching Internet applications. (Article 10)

2. Using the Internet to publish and send advertisements must not affect users' normal use of the network, and must not insert PPC advertisements in the results of searching government service websites, web pages, Internet applications, official accounts, etc. Without users' consent, or request, or under users' clear express of refusal, Internet advertisements shall not be sent to their means of transportation, navigation equipment, smart home appliances, etc., and advertisements or

advertisement links also shall not be attached to emails or Internet instant messages sent by users. (Article 17)

3. Commodity sellers or service providers who promote commodities or services through Internet live broadcasting, which constitute commercial advertisements, shall bear the responsibilities and obligations of advertisers in accordance with the law. Live broadcast room operators who accept commissions to provide advertisement design, production, agency, and release services shall assume the responsibilities and obligations of advertisement operators and advertisement publishers in accordance with the law. Live marketers who accept entrustment to provide advertising design, production, agency, and publishing services shall bear the responsibilities and obligations of advertising operators and advertising publishers in accordance with the law. Live marketers who recommend or certify goods or services in their own name or image, which constitutes an advertisement endorsement, shall bear the responsibilities and obligations of advertisement spokespersons in accordance with the law. (Article 19)

(THE END)

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