

China Law Update

Laws

1. *Food Safety Law*

Adopted by the Standing Comm. Nat'l People's Cong., Feb. 28, 2009, effective June 1, 2009.

The provisions of the Food Safety Law set forth a food safety supervision system, food safety standards, food safety risk monitoring and evaluation, food production management and a food safety accidents management system. Currently, responsibility for food safety is spread over many government departments. This law prescribes that the State Council will establish a food safety committee as a high-level policy and coordination agency for the coordination and guidance of government food safety supervision.

2. *Amendment to the Criminal Law (VII)*

Adopted by the Standing Comm. Nat'l People's Cong., Feb. 28, 2009, effective Feb. 28, 2009.

Amendment VII introduces a series of measures designed to respond to the economic and social development needs of society. This amendment pertains to several crimes, notably embezzlement and bribery. This amendment attempts to more clearly articulate these crimes and emphasizes the criminal policy of tempering justice with mercy.

3. *Insurance Law*

Adopted by the Standing Comm. Nat'l People's Cong., Feb. 28, 2009, effective Oct. 1, 2009.

The new Insurance Law replaces an earlier version adopted June 30, 1995. The newly amendment Insurance Law emphasizes protection of the rights of the insured, improves insurance contract and insurance business rules, and strengthens the regulatory supervision power for enforcement of the law.

4. ***Postal Law***

Adopted by the Standing Comm. Nat'l People's Cong., Apr. 24, 2009, effective Oct. 1, 2009.

The Postal Law strengthens the protection of citizens' communication rights. It prescribes that no entity or individual shall open, conceal or destroy another's mail. To address the weaknesses of the postal service in some remote rural areas, the new law prescribes that the urban and rural planning of local governments of various levels should include the layout and construction of postal service facilities and give money to support the related construction.

5. ***Statistics Law***

Adopted by the Standing Comm. Nat'l People's Cong., June 27, 2009, effective Jan. 1, 2010.

The Statistics Law includes provisions to improve statistical investigation by insisting on the independence of statistical surveys and use of improved scientific techniques. It prescribes that statistical institutions and statisticians shall perform their duties according to law. Respondents to statistical surveys must truthfully provide records needed in statistical investigation. The law states that because statistical information continues to take on increased significance in society, consolidating the foundation of statistics by law plays an important role in ensuring the authenticity of statistical data and the credibility of the government.

6. ***People's Armed Police Force Law***

Adopted by the Standing Comm. Nat'l People's Cong., Aug. 27, 2009, effective at Aug. 27, 2009.

The Law on the People's Armed Police Force directs the People's Armed Police Force to perform national security tasks according to law. Its promulgation and implementation is intended to promote the overall professionalism of the armed forces and improve their functioning.

7. ***Overseas Diplomatic Agents Law***

Adopted by the Standing Comm. Nat'l People's Cong., Oct. 31, 2009, effective Jan. 1, 2010).

This law is of considerable significance as it is the first law explicitly pertaining to diplomatic agents since the founding of the PRC. The Ministry of Foreign Affairs is called upon to directly

lead the diplomatic institutions in a uniform manner. Responsibility for overseas diplomatic facilities and property is given to the Head of Diplomatic Mission in each country where China maintains a diplomatic presence. Diplomatic envoys should be appointed or dismissed by the Standing Committee of the National People's Congress, be dispatched and recalled by the Chairman of the National People's Congress, and be promoted by the Premier of the State Council.

Administrative Regulations

1. *Lottery Regulation*

Adopted by the State Council, Apr. 22, 2009, promulgated and effective, July 1, 2009.

The regulation is the first administrative legislation on lotteries in China. The regulation contains provisions to develop and maintain order in lottery markets, as well as to protect citizens' rights related to China's lottery market. The regulations stipulate that social welfare shall be promoted through lotteries.

2. *Regulation on Environmental Impact Assessment for Layout Plans*

Adopted by the State Council, Aug. 12, 2009, effective Oct. 1, 2009.

The aim of the regulation is to strengthen the environmental impact assessment process, make the planning process more scientific, prevent environmental pollution and ecological destruction, and to promote coordinated, sustainable economic, social and environmental development.

3. *National Health Regulation*

Adopted by the State Council, Aug. 19, 2009, effective Oct. 1, 2009.

This regulation prescribes that citizens have the legal right to participate in and access fitness activities, and that local governments should protect this right. August 8th every year is designated as National Fitness Day, on which public sports facilities should offer free admission.

4. *Regulation on the Administration of Radioactive Materials Transportation Safety*

Adopted by the State Council, Sept. 7, 2009, effective Jan. 1, 2010.

The purposes of these measures are to strengthen the security and management of radioactive materials during transport, protect human health, protect the environment, promote nuclear energy, and promote the peaceful use and development of nuclear technology. The Regulation divides radioactive material into three categories according to the characteristics of radioactive substances and their potentially hazardous impact on human health and the environment. The nuclear safety regulatory authorities of the State Council, in conjunction along with other related departments, are responsible for analyzing and listing radioactive substances according to these categories.

5. ***Regulation on the Administration of Security Services***

Adopted by the State Council, Sept. 28, 2009, effective Jan. 1, 2010.

This regulation is aimed at enhancing the regulation of private security services, emphasizing that they must use “legal means.” It includes specific provisions on the supervision, management and legal responsibilities of private security service companies, security guards, and security service training units. The promulgation of this regulation is expected to play an important role in strengthening private security services, managing security guards, protecting personal safety and property, and maintaining social order.