

**1. Notice regarding the implementation of the settlement in Rmb for foreign direct investment  
(Yinfa [2012] No.165)**

关于明确外商直接投资人民币结算业务操作细则的通知（银发[2012]165号）

Announced and Effective at 14<sup>th</sup> June, 2012 by the People's Bank of China  
由中国人民银行于 2012 年 6 月 14 日颁布，自公告之日起生效

Main contents / 主要内容:

1.1 Rmb being kept by the Foreign invested enterprise in its special deposit account, basic account, general account, and offshore borrowings general deposit account shall comply with the relevant state authorities' approved scopes of usage, and shall not be used for entrusted loans or investment securities, financial derivatives, purchase financial products and non-self-occupied real estate.

外商投资企业的人民币资本金专用存款账户、基本账户、一般账户、及人民币境外借款一般存款账户存放的人民币资金应当在符合国家有关部门批准的经营范围范围内使用，不得用于委托贷款或投资有价证券、金融衍生品、购买理财产品及非自用房产。

1.2 For non-investment orientated foreign invested enterprise shall not use for domestic reinvestment. Rmb being kept in the special deposit account by the foreign invested enterprise can convert into an one-year (including one year) deposit, Rmb being kept by the foreign invested enterprise in its offshore borrowings general deposit account shall not be allowed to convert.

对于非投资类外商投资企业，不得用于境内再投资。外商投资企业资本金专用存款账户的人民币资金可以转存为一年期以内（含一年）的存款，外商投资企业的人民币境外借款一般存款账户存放的人民币资金不得转存。

1.3 Rmb upfront costs being kept in the special deposit account by the foreign investor shall not be used for land bidding, auction or purchasing real estate.

境外投资者人民币前期费用专用存款账户内的资金不得用于土地招拍挂或购买房产。

1.4 For other details, please visit:

[http://zwgk.bengbu.gov.cn/xxgkweb/showGKcontent.aspx?xxnr\\_id=238997](http://zwgk.bengbu.gov.cn/xxgkweb/showGKcontent.aspx?xxnr_id=238997)

其它细节，请见：[http://zwgk.bengbu.gov.cn/xxgkweb/showGKcontent.aspx?xxnr\\_id=238997](http://zwgk.bengbu.gov.cn/xxgkweb/showGKcontent.aspx?xxnr_id=238997)

## ***New and Important Regulations (August 2012 Edition)***

### **2. 《Law of the People's Republic of China on the Administration of Exist and Entry》 (Chairman Order [2012] No.57)**

**《中华人民共和国出入境管理法》（主席令 [2012] 57 号）**

Passed by the People's Congress at 30<sup>th</sup> June, 2012  
于 2012 年 6 月 30 日由中华人民共和国全国人民代表大会通过

Effective since 1<sup>st</sup> July, 2013  
于 2013 年 7 月 1 日生效

Main contents / 主要内容:

- 2.1 Foreign individuals working in the PRC are required to obtain work permit and resident permit. And validity period of the resident permit granted for these foreigners for work purpose is from 90 days to 5 years.  
外国人在华工作需要获得工作许可及居留许可，其工作类居留证件的有效期最短为九十日，最长为五年。
- 2.2 Illegal employment of foreigners shall be imposed a fine from Rmb 5,000 to Rmb 20,000. On the other hand, employers of illegal employment of foreigners shall be imposed a fine Rmb 10,000 per illegal employment with a maximum fine of Rmb 100,000 and that any illegal income derived shall be clawed back.  
外国人非法就业将被处以人民币五千元至二万元的罚款。此外，非法聘用外国人的雇主，处每非法聘用一人一万元，总额不超过十万元的罚款；有违法所得的，没收违法所得。
- 2.3 Any foreign individuals, who are without approval on his/her resident permit or violates provisions of the PRC laws and regulations, shall be required to depart from the PRC within a prescribed period and that he/she shall not be allowed to re-entering the PRC within 10 years from the date of deportation.  
被驱逐出境的外国人，自被驱逐出境之日起十年内不准入境。

**3. Notice regarding the accounting treatments related to VAT Pilot Arrangement (Caikuai [2012] No.13)**

关于印发《营业税改征增值税试点有关企业会计处理规定》的通知（财会[2012]13号）

Announced and Effective at 5<sup>th</sup> July, 2012 by the State Finance Bureau  
国家财政部于 2012 年 7 月 5 日公告，自公告之日起生效

Main contents / 主要内容:

Key features of this notice no. 13 are set out in the below table / 13 号公告的主要特点如下列表所示:

Covered taxpayers / 适用的纳税人	Key accounting treatments / 主要会计处理方法
Pilot taxpayers who previously subject to Business Tax ("BT") on a net basis / 适用于差额征税的试点纳税人	A special accounting item of "Credited Output VAT" for VAT pilot purpose shall be established under the accounting item of "Tax Payable – VAT Payable" to record the reduced output VAT due to allowable deduction of service fees paid to the contractors that are non-pilot taxpayers / 应在“应交税费-应交增值税”会计科目下增设“营改增抵减的销项税额”专栏,用于记录企业因按规定扣减销售额而减少的销售税额。
Taxpayers, who are recognised as general VAT taxpayers before the commencement of VAT pilot arrangement and also provide VAT taxable services under the arrangement, have un-used VAT credit balance, prior to the commencement of VAT pilot arrangement / 试点地区兼有应税服务的原增值税一般纳税人, 截止到开始试点当月初尚有增值税留抵税额	A special accounting item of "VAT Credit Balance" shall be established under the accounting item of "Tax Payable" to record the aforementioned VAT credit balance which shall not be credited against the output VAT for the VAT taxable services under the VAT pilot arrangement at the current stage / 应在“应交税费”会计科目下增设“增值税留抵税额”明细科目, 用于记录营改增试点安排下目前暂不得从应税服务的销项税额中抵扣的前述增值税留抵税额。
Pilot taxpayers who receive fiscal support funds from the finance and tax authorities due to increase of actual tax burden arising from the VAT pilot arrangement / 因试点增加税负而取得过渡性财政扶持资金的试点纳税人	Such fiscal support funds shall be booked as "Non-Operating Income" / 该财政扶持资金应计入“营业外收入”科目。
Taxpayers who are eligible for VAT credit for special equipment and technical maintenance fee of the VAT control system / 可以享受增值税税控系统专用设	<u>General VAT Taxpayer / 增值税一般纳税人</u> A special accounting item of "Reduced/Exempted VAT" shall be established under the accounting item of "Tax Payable – VAT Payable" to record the

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Covered taxpayers / 适用的纳税人	Key accounting treatments / 主要会计处理方法
备各和技术维护费用抵减增值税额政策的纳税人	<p>allowable VAT credit / 应在“应交税费—应交增值税”会计科目下增设。“减免税款”专栏，用于记录企业按规定抵减的增值税应纳税额。</p> <p><u>Small Scale VAT Taxpayer / 小规模纳税人</u></p> <p>The allowable VAT credit shall be directly deducted in the accounting item of “Tax Payable – VAT Payable” / 按规定抵减的增值税应纳应直接冲减“应交税费—应交增值税”科目。</p>

**4. Notice regarding approval and registration of enterprises engaged in express courier services (Guoyoufa [2012] No.100)**

关于规范经营快递业务的企业许可审批和登记管理有关事项的通知 （国邮发[2012]100号）

Announced by the State Post Bureau and the State Administration of Industrial and Commercial Bureau at 10<sup>th</sup> July,2012

于2012年7月10日由国家邮政局和国家工商行政管理局发出

Effective since 14<sup>th</sup> June 2012

于2012年6月14日生效

Main Contents / 主要内容:

4.1 The notice stipulated how to apply for the relevant permit and procedures of setting-up branch of the enterprises engaged in express courier services.

通知具体规定了领取快递许可证以及快递企业分支机构设立的方法。

4.2 For details, please visit:

[http://www.saic.gov.cn/zwgk/zyfb/lhfw/lhfw/qyzcj/201207/t20120727\\_128236.html](http://www.saic.gov.cn/zwgk/zyfb/lhfw/lhfw/qyzcj/201207/t20120727_128236.html)

细节请见：[http://www.saic.gov.cn/zwgk/zyfb/lhfw/lhfw/qyzcj/201207/t20120727\\_128236.html](http://www.saic.gov.cn/zwgk/zyfb/lhfw/lhfw/qyzcj/201207/t20120727_128236.html)

**5. Notice regarding interpretation of a clause of the 《Implementation Rules of the People's Republic of China Consumption Tax Provisional Regulations》 (Caifa [2012] No. 8)  
关于《中华人民共和国消费税暂行条例实施细则》有关条款解释的通知（财法[2012]8号）**

Announced by the State Tax Bureau and the State Finance Bureau at 13<sup>th</sup> July, 2012  
于 2012 年 7 月 13 日由国家税务局和财政部公告

Effective at 1<sup>st</sup> September, 2012  
于 2012 年 9 月 1 日生效

Main Contents / 主要内容:

Based on Clause 2 of the Article 7 of the Consumption Tax Provisional Regulations, the notice no. 8 further elaborates that where taxable products, being processed under sub-contracting contracts are sold directly, are not subject to consumption tax.

根据消费税暂行条例实施细则的第 7 条第 2 款，本通知进一步阐述委托加工的应税消费品直接出售的，不再缴纳消费税。

**6. Notice regarding certain issues related to the administrative measures on pilot run of deemed input VAT credit for agricultural products in certain industries (SAT Announcement [2012] No.35)**

关于在部分行业试行农产品增值税进项税额核定扣除办法有关问题的公告 (国家税务总局公告 [2012] 第 35 号)

Announced by the State Tax Bureau at 17<sup>th</sup> July, 2012  
于 2012 年 7 月 17 日由国家税务总局公告

Effective at 1<sup>st</sup> July, 2012  
于 2012 年 7 月 1 日生效

Main contents / 主要内容:

6.1 The announcement no. 35 clarifies the classification of the industry-wide category of agricultural products, and explains the approved ways to calculate of deemed input VAT on these agricultural products.

35 号公告明确了部分农产品的行业范围类别,并解释了计算这些农产品增值税进项税的核定扣除办法。

6.2 The announcement no. 35 clarifies that general VAT taxpayers entrust other companies and individuals to process liquid milk and dairy products, wine and alcohol, vegetable oil, purchases of these agricultural products are applicable to the 《Caishui [2012] No.38》.

35 号公告规定,增值税一般纳税人委托其他单位和个人加工液体乳及乳制品、酒及酒精、植物油,其购进的农产品均适用《财税[2012]38 号文》的有关规定。

6.3 From the date of announcement of the announcement no. 35, when calculating cost, the pilot taxpayers shall not treat the input VAT on opening inventory of finished and semi-finished agricultural products, consumables as operating cost or production cost.

试点纳税人应自 35 号公告之日起,将期初库存农产品以及库存半成品、产成品耗用的农产品增值税进项税额作转出处理。

6.4 For calculating deemed input VAT, the announcement no. 35 further explains the methods of calculation, including average purchased price on input-output method, and determination of "operating cost" by "cost method".

对进项税额核定办法计算公式中的细节问题做了进一步解释,包括:投入产出法中的期末平均买价,关于“成本法”计算公式中的“主营业务成本”的进一步解释。

6.5 Changes on VAT return forms, and changes on way to fill-in the contents of these forms.

对有关申报表进行调整,并调整了申报表的填写方法。

**7. Notice regarding the pilot run of export tax refund for goods transferred overseas under finance leases in the Dongjiang Free Trade Port Zone of Tianjin (Caishui [2012] No.66)**  
关于在天津东疆保税港区试行融资租赁货物出口退税政策的通知（财税〔2012〕66号）

Announced by the State of Finance Bureau, Customs Bureau and Tax bureau at 26<sup>th</sup> July, 2012  
于 2012 年 7 月 26 日由国家财政部、海关总署以及国家税务局颁布

Effective at 1<sup>st</sup> July, 2012  
于 2012 年 7 月 1 日生效

Main contents / 主要内容:

Since 1<sup>st</sup> July, 2012, for enterprises registered in the Dongjiang Free Trade Port Zone, certain goods (i.e. aircrafts, railway locomotives and carriages, vessels, etc...) and ocean engineering structures transferred to overseas under finance leases, VAT and CT refund policy is available on a pilot basis.

自 2012 年 7 月 1 日起，在天津东疆保税港区对融资租赁出口货物、海洋工程结构物试行增值税、消费税出口退税政策。



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8. **Notice regarding the launch of VAT Pilot Arrangements for transportation and certain modern service industries in 8 provinces or cities (Caishui [2012] No.71)**  
关于在北京等 8 省市开展交通运输业和部分现代服务业营业税改征增值税试点的通知（财税[2012] 71 号）

Announced at 31<sup>st</sup> July, 2012 by the Ministry of Finance and the State Administration of Taxation  
由财政部和国家税务总局于 2012 年 7 月 31 日颁布

Effective at 1<sup>st</sup> August, 2012  
于 2012 年 8 月 1 日生效

Main contents / 主要内容:

### 8.1 Location and Commencement Date / 试点地区及开始时间:

Location / 试点地区	Commencement Date of VAT Pilot Arrangements 营业税改征增值税开始时间
Beijing / 北京	From 1 <sup>st</sup> September, 2012 / 从 2012 年 9 月 1 日开始
Anhui and Jiangsu Province / 安徽省和江苏省	From 1 <sup>st</sup> October, 2012 / 从 2012 年 10 月 1 日开始
Fujian (including Xiamen) and Guangdong (including Shenzhen) Province / 福建省（包括厦门）和广东省（包括深圳）	From 1 <sup>st</sup> November, 2012 / 从 2012 年 11 月 1 日开始
Tianjin, Zhejiang (including Ningbo) and Hubei Province / 天津、浙江省（包括宁波）和湖北省	From 1 <sup>st</sup> December, 2012 / 从 2012 年 12 月 1 日开始

### 8.2 Types of VAT taxpayer / 增值税纳税人类型:

Types of VAT taxpayer / 增值税纳税人类型	Annual Service Sales amount / 年应征增值税销售额
General Taxpayer / 一般纳税人	Exceed (or Equal to) Rmb 5,000,000 / 超过（含）500 万
Small Scale Taxpayer / 小规模纳税人	Below Rmb 5,000,000 / 低于 500 万

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### 8.3 Applicable Tax Rate of Different Industries / 不同行业的适用税率:

Types of VAT Taxpayer / 增值税纳税人类型	Industries / 行业	Tax Rate / 税率
General Taxpayer / 一般纳税人	Moveable Tangible Assets Leasing Service / 有形动产租赁服务	17%
	Transportation Service / 交通运输业服务	11%
	R & D and Technical Services, Information Technology Service, Cultural and Creative Service, Logistics Service, Forensic Consultancy Service / 研发和技术服务、信息技术服务、文化创意服务、物流辅助服务、鉴证咨询服务	6%
Small Scale Taxpayer / 小规模纳税人	All Taxable Services under Pilot Arrangements / 所有试点应税服务	3%

8.4 The place of supply rules, VAT computation methods, withholding VAT arrangements, VAT exemption, VAT zero rating, transitional measures and other VAT rules that are applicable under the Shanghai VAT Pilot Arrangements shall continue to apply to the new VAT pilot locations.

营改增试点劳务的提供地、计算方式、代扣代缴处理、免征税款、零税率、过性安排以及其有关适用于上海市营改增试点的相关规定将继续适用于新营改增试点地区。

**9 《产业转移指导目录（2012）》  
《Industrial Transfer Guidance Catalogue（2012）》**

Announced at 3<sup>rd</sup> August, 2012 by the Ministry of Industry and Information Technology  
中华人民共和国工业和信息化部于 2012 年 8 月 3 日颁布

Effective at 26th July, 2012  
于 2012 年 7 月 26 日生效

Main contents / 主要内容:

- 9.1. 《Industrial Transfer Guidance Catalogue（2012）》 (the “Catalogue”) aims to promote the direction to adjust the layout of the existing production capacities and optimize the focus of the proposed transfer of the 15 traditional industries.  
《产业转移指导目录（2012）》(简称“产业目录”)着力推进现有产能的布局调整和优化，主要对 15 个传统行业提出了转移的方向和重点。
- 9.2. The northeast region is aimed to promote the development and production of special steel required for emerging industries, such as aerospace, new energy, high-speed railway, and focus also on promoting the development of ethylene and aromatics industries, and non-metallic minerals and further processing industries.  
东北地区推动航空航天、新能源、高速铁路等新兴产业所需特殊钢的开发和生产。重点推进乙烯和芳烃产业发展和非金属矿及深加工产业。
- 9.3. The eastern region is aimed to promote the development of the iron and steel industries of the Yangtze River Delta region, to accelerate the development and production of high-end steel products, to enhance the industrial competitive advantage on fine chemicals and new chemical materials industries. In addition, efforts to promote the development of high-end building materials and new building materials industry are included. Besides, acceleration on the traditional resource-based chemical industry, building and sanitary ceramics industry is gradually transferred to the central and western regions.  
东部地区推进长三角地区钢铁工业集约发展，加快高端钢铁产品的开发和生产，提升精细化工和化工新材料产业的竞争优势，着力推进高端建材和新型建材产业发展，加快资源型传统化工产业、建筑卫生陶瓷产业逐步向中西部地区转移。
- 9.4. The central region is aimed to upgrade the coal chemical industry and coal chemical products, to build up the central region backbone petrochemical base, and to develop functional ceramic products.  
中部地区加快煤化工产业升级，积极推进煤化工产品深加工，建设中部地区骨干石油化工基地，大力发展功能性陶瓷产品。

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9.5. The western region is aimed to promote the comprehensive utilization of resources of vanadium and titanium, and to construct a rare earths processing and rare earths new materials industry base, and actively to undertake the transfer of building and sanitary ceramics industries of the eastern and central regions, and to promote further processing of bentonite, kaolin, stone, and other non-metallic minerals.

西部地区推进钒钛资源综合利用，建设稀土深加工和稀土新材料产业基地。积极承接东中部地区建筑卫生陶瓷产业转移。推进膨润土、高岭土、石材等非金属矿精深加工。

- 10 《海峡两岸投资保护和促进协议》  
《Agreement of investment protection & accumulation for Taiwan & Mainland》

Signed and Effective at 9<sup>th</sup> August, 2012  
于 2012 年 8 月 9 日签订，并即时生效

Main contents / 主要内容:

- 10.1 The purposes of the agreement are to give fair and equitable treatment of Taiwan and mainland investors and their investments, and to provide full protection and security. The "fair and equitable treatment" refers to one of the measures shall be consistent with the principles of due process, and shall not refuse to investors on the other side a fair and a fair trial, or the implementation of a discriminatory or arbitrary measures. The "full protection and security" means the party shall take reasonable and necessary measures to protect the safety of the other investors and their investments.

协议的目的在于确保给予台湾和内地投资者及其投资公正与公平待遇，并提供充分保护与安全：“公正与公平待遇”指一方的措施应符合正当程序原则，且不得对对方投资者拒绝公正与公平审理，或实行明显的歧视性或专断性措施。“充分保护与安全”指一方应采取合理、必要的措施，保护对方投资者及其投资的安全。

- 10.2 For details, please visit: [http://www.gov.cn/jrzg/2012-08/09/content\\_2201292.htm](http://www.gov.cn/jrzg/2012-08/09/content_2201292.htm)  
细节请见: [http://www.gov.cn/jrzg/2012-08/09/content\\_2201292.htm](http://www.gov.cn/jrzg/2012-08/09/content_2201292.htm)

**11 Notice regarding the “Administration Measures for Enterprise’s Governmental Demolition and Relocation for Corporate Income Tax Purposes” (SAT Announcement [2012] No. 40)**  
于发布《企业政策性搬迁所得税管理办法》的公告（国家税务总局公告 [2012] 40 号）

Announced by the State Tax Bureau at 10<sup>th</sup> August, 2012  
于 2012 年 8 月 10 日由国家税务总局公告

Effective at 1<sup>st</sup> October, 2012  
于 2012 年 10 月 1 日生效

Main contents / 主要内容:

The announcement no. 40 mainly states that special corporate income tax treatment in respect of the relocation process, relocation expenses, tax treatment of reallocation assets, reallocation collection and management matters of the governmental demolition reallocation policy shall be managed separately for tax management and accounting purposes. If separation is not available, governmental demolition reallocation tax policy shall not be adopted under the provisions of the announcement.

公告明确企业就政策性搬迁过程中涉及的搬迁收入、搬迁支出、搬迁资产税务处理、搬迁所得等所得税征收管理事项，单独进行税务管理和核算。不能单独进行税务管理和核算的，应视为企业自行搬迁或商业性搬迁等非政策性搬迁进行所得税处理，不执行公告的规定。