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1. Mergers & Acquisitions

China Adopts National Security Review Regime and Provisional Implementing Regulations for Foreign-Funded M&A

《国务院办公厅关于建立外国投资者并购境内企业安全审查制度的通知》(02/03/2011)
 《商务部实施外国投资者并购境内企业安全审查制度有关事项的暂行规定》(03/04/2011)

Nearly five years after issuing the first rules on the subject, on February 3, 2011, the PRC State Council promulgated the *Circular on Establishing the Security Examination System for Mergers and Acquisitions of Domestic Enterprises by Foreign Investors* (the “Security Review Circular”). The Security Review Circular, which took effect on March 3, 2011, also serves to implement Article 31 of the *PRC Anti-Monopoly Law*, which took effect in August of 2008.



The Security Review Circular both establishes general national security review procedures for various categories of foreign investments and provides for establishment of the “Inter-Ministerial Joint Conference on Security Review of Mergers and Acquisitions of Domestic Enterprises by Foreign Investors” (the “Joint Conference”). The Security Review Circular’s issuance follows several high-profile rejections (or voluntary termination) of proposed Chinese acquisitions on national security grounds in the U.S. and elsewhere.

The Security Review Circular leaves many questions unanswered. Most prominent is whether the Circular will bring greater procedural transparency to an opaque and unstructured process or, consistent with Chinese perceptions of the Committee on Foreign Investment in the United States (CFIUS), serve mainly to establish a highly politicized forum for protectionist interests.

For detailed analysis on the Security Review Circular, please refer to our previous *GT Alert*, [“The People’s Republic Strikes Back? China Issues National Security Review Regulations for Foreign-Funded M&A,”](#) released in February of 2011.

- *Circular on Establishing the Security Examination System for Mergers and Acquisitions of Domestic Enterprises by Foreign Investors*
- 国务院办公厅关于建立外国投资者并购境内企业安全审查制度的通知
- Issuing Authority: the State Council
- Date of Issuance: February 3, 2011 / Effective Date: March 3, 2011

Implementing Rules

Concurrently with the Security Review Circular coming into effect, China's Ministry of Commerce (MOFCOM) issued its first implementation regulations, the *Interim Regulations on Issues Relating to Implementing the Security Review System for Foreign Investors' Merger and Acquisition of Domestic Enterprises* (the "Interim Regulations"), to detail and clarify the security review procedures from certain perspectives.

Although the Interim Regulations are currently effective, they are still open for comments and suggestions until April 10, 2011. The effective period of the Interim Regulations will last less than six months, which illustrates MOFCOM's intention to further develop them. Generally, the Interim Regulations mainly focus on the application and initiation of security review procedures, and the types of documents that should be submitted, and outlines possible review outcomes.

I. Initiation of Security Review

According to the Interim Regulations, the initiation of security review is subject to the following rules:

- If the target of a M&A transaction is subject to security review according to the Security Review Circular, the relevant foreign investor(s) shall apply to MOFCOM for security review. If there are two or more foreign investors involved in such a transaction, they can jointly carry out the application, or they can assign one party to do so.
- Further, if a transaction is amended at a later stage so that it becomes subject to the scope of security review, regardless of whether an application for security review of this transaction has been submitted or has been examined by competent authorities, the parties to the transaction must suspend their proceedings and apply for a review.
- As the Security Review Circular regulates and the Interim Regulations reiterates, if the foreign investors failed to apply for security review, third parties – including the State Council, national industry associations, enterprises in the same industry, or upstream and downstream enterprises – may also submit, through MOFCOM to the Joint Conference, a request for security review of the M&A transaction, along with a general description of the transaction and analysis of how such transaction may influence national security. If the Joint Conference decides a security review is necessary for the transaction, MOFCOM will accordingly require the foreign investors involved in the transaction to submit their application.
- If the foreign investors failed to apply for security review where necessary, MOFCOM's local counterparts governing such transaction should suspend the relevant approval process of such transaction and require, in written form, the relevant foreign investors to apply for a security review and should report the situation to MOFCOM.
- Before a formal application is submitted, the potential applicants may consult with MOFCOM on procedural aspects of their M&A transactions.

II. Application Documentation

Applicant(s) are required to provide the following documents when filing the application for national security review:

- An application letter and a description of the relevant transaction;
- Identification documents of the foreign investor (notarized or certified);
- Background explanation of the foreign investor (including affiliates, actual controllers, persons acting in concert, relationship with relevant governments) ;
- Background documents of the target (documents and certificates concerning its existence and operation);
- Agreements in relation to the post-M&A entity after completion and a list of the names of its senior management;

- Transaction documents;
- Documents reflecting the potential “control” of the foreign investor over the post-M&A entity;
- Other documents as required by MOFCOM.

III. Review Decisions

The Interim Rules categorized the review decisions, of which the applicants for security reviews and MOFCOM’s local counterparts governing M&A transactions shall be informed in written form, into three types:

- Clear with national security review – In this case, the applicants can proceed with their M&A transaction.
- Potential national security concern – In this case, the applicants are prohibited from proceeding with the relevant transaction and shall either amend the transaction, revise the application documents and re-submit the security review application, or abort the transaction.
- National security concern – If the transaction has had an impact or might have a significant impact on national security, MOFCOM will, with the assistance of relevant authorities, terminate the relevant transaction or take other effective measures to eliminate any negative impact on national security.

- *Interim Regulations on Issues Relating to Implementing the Security Review System for Foreign Investors' Merger and Acquisition of Domestic Enterprises*

- 商务部实施外国投资者并购境内企业安全审查制度有关事项的暂行规定

- *Issuing Authority: Ministry of Commerce*

- *Date of Issuance: March 4, 2011 / Effective Date: March 5, 2011*

2. Foreign Direct Investment

MOFCOM Further Delegates and Adjusts Approval Authority over Foreign Investment

《关于外商投资管理工作的有关问题的通知》(02/25/2011)

Following promulgation of the *Several Opinions on Better Utilization of Foreign Investment* (Guo Fa [2010] No. 9) by the State Council in 2010, the Ministry of Commerce (the MOFCOM) released the *Circular on Issues Concerning the Administration of Foreign Investment* on February 25, 2011, to further delegate and adjust the administrative power of the competent commercial authorities on examination and approval of foreign investment. Some key provisions are summarized as below.

I. Cancellation of Administrative Approval Requirements

- Generally, establishment of branches in China (unless subject to any special requirements) and importation of equipment to be used as capital contribution by foreign invested companies shall no longer be subject to any examination and approval by the competent commercial authorities (COFTECs).
- For change of registered address (except for moving outside of the approval authority’s administrative territory), change of name and change of investor’s name by foreign invested companies, filing with the COFTECs for record within 30 days after registration of change with the Administration for Industry and Commerce authorities (AICs) is required, as opposed to obtaining advance approval from the COFTECs.

II. Administration on Foreign-Invested Companies Limited by Shares (Domestic Listed Companies)

The Certificate of Approval for foreign-invested company limited by shares listed in China shall specify the foreign investors and their shares. If shares transferred by a foreign investor cumulatively exceed five percent of the total equity capital, the company shall apply to COFTECs for change of the Certificate of Approval.

III. Administration on Mergers and Acquisitions by Foreign Investors

Any merger and acquisition by the foreign investor with a transaction value less than USD 300 million shall be examined and approved by provincial level COFTECs, except for those subject to the MOFCOM's approval as required in the *Provisions on Mergers and Acquisitions of Domestic Enterprises by Foreign Investors* (Order of the MOFCOM [2009] NO.6).

IV. Confirmation Letter for State-Encouraged Foreign-Invested Projects

The confirmation letter for encouraged foreign-invested projects with a total investment value less than USD 300 million shall be issued by provincial level COFTECs in compliance with relevant laws and regulations.

V. RMB-Dominated Investment by Foreign Investors

With respect to any application submitted by a foreign investor to invest in China with RMB funds derived from settlement of cross-border trade or lawfully obtained from abroad (including investing for establishing a new enterprise, increasing capital contribution to an existing enterprise, acquiring a domestic enterprise, providing loans, etc.), the provincial level COFTECs shall report such application to the MOFCOM (its Foreign Investment Department) in writing and may handle the relevant formalities upon receipt of the written reply from the MOFCOM.

- *Circular on Issues Concerning the Administration of Foreign Investment*

- 关于外商投资管理工作中有关问题的通知

- Issuing Authority: the Ministry of Commerce

- Date of Issuance: February 25, 2011 / Effective Date: February 25, 2011

3. Overseas Investment

National Development and Reform Commission Delegates Approval Authority over Overseas Investment

《国家发展改革委关于做好境外投资项目下放核准权限工作的通知》(02/14/2011)

The National Development and Reform Commission (the NDRC) promulgated the Circular on *Delegating the Authority of Examination and Approval over Overseas Investment Projects* (the "NDRC Circular") on Feb 14, 2011, which is also the effective date of the NDRC Circular.

Pursuant to the NDRC Circular, the following overseas investment projects are now subject to examination and approval by provincial level counterparts of NDRC:

- Overseas resources development projects, in which the capital contribution by Chinese investors is less than USD 300 million, implemented by local enterprises (not state-owned enterprises directly administrated by state government), except for special projects;
- Overseas non-resources development projects, in which the capital contribution by Chinese investors is less than USD 100 million, implemented by local enterprises (not state-owned enterprises directly administrated by state government), except for special projects.

The NDRC, however, is still in charge of the following overseas investment projects:

- Overseas investment projects above the stated thresholds in the preceding paragraph;
- Special Overseas Investment Projects: special overseas investment projects, including engaging in especially sensitive industries or investments in special countries, i.e., countries having no diplomatic relationship with China, during war or other turmoil, or under international sanctions, regardless if it is beyond or below the limitation stated in the preceding paragraph, shall be subject to approval of the NDRC or the State Council.

According to the NDRC Circular, before issuing any approval, provincial level counterparts of the NDRC shall report overseas resources development projects in which the involved Chinese party's investment is between USD 30 million and USD 300 million, as well as overseas non-resources development projects in which the involved Chinese party's investment is between USD 10 million and USD 100 million, to the NDRC for registration. The NDRC should, within five working days after receipt of such reporting documents, issue a Registration Sheet of the Examination and Approval of Material Local Overseas Investment Projects. The purpose of NDRC's registration is to make a determination as to which special overseas investment projects are subject to the NDRC's approval authority.

- *Circular on Delegating the Authority of Examination and Approval over Overseas Investment Projects*
- *国家发展改革委关于做好境外投资项目下放核准权限工作的通知*
- *Issuing Authority: the National Development and Reform Commission*
- *Date of Issuance: February 14, 2011 / Effective Date: February 14, 2011*

4. Overseas Investment

China Standardize RMB Settlement for Overseas Direct Investment

《境外直接投资人民币结算试点管理办法》(01/06/2011)

The Administrative Measures for Pilot RMB Settlement of Overseas Direct Investments was promulgated by the People's Bank of China ("RMB Settlement Measures") and came into effect as of January 6, 2011. The RMB Settlement Measures allow the banks and enterprises in pilot regions to make overseas direct investments in RMB.

I. Approval from Overseas Direct Investment Authorities

Pursuant to the RMB Settlement Measures, domestic institutions, defined as non-financial enterprises registered in the pilot RMB settlement regions for cross-border trades, shall apply to the overseas direct investment authorities for approvals on RMB-denominated overseas direct investment. In particular, such domestic institutions shall specify the proposed amount of its RMB-denominated overseas investment.

II. Registration with Foreign Exchange Authorities

A domestic institution shall submit the following materials to the local foreign exchange authority to handle the registration formalities for outbound remittance of front-end expenses or overseas direct investment:

- A written application form;
- The approval document issued by the overseas direct investment authorities and a copy thereof, or the copies of application documents submitted to the overseas direct investment authorities; and
- Copies of the business license and organization code certificate of the domestic institution.

The local foreign exchange authority shall finish the relevant registration formalities within three days after receiving the relevant application materials.

III. Remittance and Settlement Processed by Banks

After registering with the foreign exchange authorities, banks may process RMB settlement services for the enterprises after verifying the approval certificate or equivalent documents issued by the overseas direct investment authorities.

Banks shall, pursuant to the *Administrative Measures on RMB Bank Settlement Accounts* (Order No.5 [2003] of the PBOC) and other relevant provisions, handle the RMB settlement of overseas direct investment through RMB-denominated bank settlement accounts of the domestic institutions, and report the relevant information regarding cross-border receipts and payments of RMB funds to the Cross-border RMB Receipts and Payments Information Management System.

- *Administrative Measures for Pilot RMB Settlement of Overseas Direct Investments*
- *境外直接投资人民币结算试点管理办法*
- *Issuing Authority: People's Bank of China*
- *Date of Issuance: January 6, 2011 / Effective Date: January 6, 2011*

5. Tax

State Administration of Taxation Clarifies Levying Value-Added Tax on Asset Restructuring

《国家税务总局关于纳税人资产重组有关增值税问题的公告》(02/18/2011)

The State Administration of Taxation released the *Announcement on Issues Concerning Value-Added Tax Relevant to Taxpayers' Assets Restructuring* (the "VAT Announcement") on February 18, 2011. The effective date of the Announcement is March 1, 2011.

The brief VAT Announcement mainly focuses on value-added tax levied on assets restructurings. The VAT Announcement provides that, where a taxpayer transfers all or part of its physical assets, together with debt-claims, debts and labor force related thereto, to other entities or individuals via combination, division, sale or exchange in the course of assets restructuring, such transfer, as well as the transferred goods involved therein, shall not be subject to value-added tax.

The VAT Announcement's coming into force nullifies three previously issued administrative regulations concerning the same issue.

- *State Administration of Taxation's Announcement on Issues concerning Value-Added Tax relevant to Taxpayers' Assets Restructuring*
- *国家税务总局关于纳税人资产重组有关增值税问题的公告*
- *Issuing Authority: the State Administration of Taxation*
- *Date of Issuance: February 18, 2011 / Effective Date: March 1, 2011*

6. Anti-Monopoly

New Anti-Price Monopoly Regulations and Procedural Rules

《反价格垄断规定》，《反价格垄断行政执法程序规定》（11/29/2010）

On December 29, 2010, China's National Development and Reform Commission (NDRC) issued the *Regulations on Anti-Price Monopoly* ("APM Regulations") and the *Procedural Regulations on Administrative Enforcement of Anti-Price Monopoly* ("Procedural Regulations"). Both regulations, taking effect on February 1, 2011, constitute a further step towards clarifying China's existing anti-monopoly law regime.

I. *Regulations on Anti-Price Monopoly*

The APM Regulations shall apply to any price monopoly activities occurring within China, as well as those occurring abroad, but have the impact of eliminating or restricting domestic market competition.

(i) Definition of Price Monopoly Activities

As stipulated therein, the price monopoly activities include:

- Business operators entering into price monopoly agreements;
- Business operators with dominant market positions use pricing means to eliminate or restrict market competition;
- Administrative agencies or organizations authorized with administrative power that abuse their administrative power to eliminate or restrict competition from the perspective of pricing.

(ii) Price Monopoly Agreements

Article 7 of the APM Regulations lists eight kinds of price monopoly agreements entered between competing operators, including:

- Agreements that fix or adjust the price level of merchandise or services;
- Agreements that fix or adjust ranges of price variations;
- Agreements that fix or adjust fees, discounts or other charges which have an impact on prices;
- Agreements that set agreed-upon prices as the basis for transactions with third parties;
- Agreements that set a standard pricing formula;
- Agreements that prohibit price adjustments without the consent of other contracting parties;
- Agreements that fix or adjust pricing indirectly through other means;
- Other price monopoly agreements recognized by the government authorities.

Meanwhile, agreements entered between operators and their trading counterparts to fix resell prices or lower resell prices are also defined as price monopoly agreements, which are prohibited. However, there are several exceptions to prohibition of price monopoly agreements, including, but not limited to, agreements regarding advancing technology, R&D of new products, improving product quality, enhancing resource conservation, environmental protection and relief efforts, addressing a serious drop in sales or obvious overproduction during an economic downturn, or protecting legitimate interests in foreign trade or foreign economic cooperation.

(iii) Business Operators with Dominant Market Positions

The “dominant market position” refers to the market position that enables operators to control the price or quantity of merchandise or other trade terms in the relevant market, or to impede or affect other operators’ access to the relevant market. The APM Regulations seek to clarify the Anti-Monopoly Law by further defining the contours of prohibitions applicable to business operators with dominant market positions, including below-cost sales, refusal to deal, exclusive dealings, additional unreasonable fees or differentiated price treatment.

Below-Cost Sales. Operators with dominant market positions are prohibited from selling merchandise below cost without justifiable reasons. Justifiable reasons herein include, but are not limited to: (a) disposal of fresh, live, seasonal, expiring or overstocked products; (b) price reductions stemming from repaying debts, business transfer or cessation; or (c) promotion of new products.

Refusal to Deal. Operators are not allowed to refuse trading by setting excessively high sales prices or extremely low purchase prices without justifiable reasons. Justifiable reasons herein include, but are not limited to: (a) the trading counterparts have seriously bad credit records or continuously deteriorate economic condition, which would cause material risk to the transaction; (b) the trading counterparts are able to purchase the same merchandise or their substitutes from, or sell the merchandise to, other operators at reasonable prices; (c) other justifiable reasons duly established.

Exclusive Dealings. Operators with dominant market positions are prohibited from restricting the trading counterparties to merely trade with themselves or with designated entities by using price discounts or other means without justifiable reasons. Justifiable reasons herein include, but are not limited to: (a) ensuring product safety and quality; (b) maintaining the brand’s image or improving service quality; (c) obviously decreasing cost or improving efficiency, resulting in actual benefits enjoyed by consumers.

II. Procedural Regulations on Administrative Enforcement of Anti-Price Monopoly

The Procedural Regulations generally cover all procedures relating to investigations of alleged price monopoly acts. Below we outline some special provisions regarding initiatives taken by operators engaging in price monopoly.

(i) Leniency Provisions

According to Article 14 of the Procedural Regulations, if a business operator initiates a report of price monopoly agreements and provides substantial evidence thereof, the government authority may at its discretion, partially or fully exempt punishment. The first whistleblower may be fully exempted. The second and subsequent whistleblowers may also be partially exempted to varying degrees.

(ii) Suspension of Investigations

A business operator under investigation for alleged price monopoly may be able to suspend the investigation by submitting a written application. The written application should specify the following compulsory issues: (a) facts related to the alleged price monopoly; (b) a promise to take specific measures to remedy the alleged violation; (c) a timeline for remedial actions; (d) other promises, as required.

After suspension of the investigation is approved by the relevant authority, the investigation may be resumed if one of the following circumstances occurs:

- The business operator does not fully perform its undertakings within the designated period; or

- A material change occurs in the underlying factual basis in which the decision to suspend the investigation was granted; or
- The decision to suspend the investigation was made on the basis of incomplete or untrue information provided by the applicant.

- *Regulations on Anti-Price Monopoly*

- 反价格垄断规定

- Issuing Authority: National Development and Reform Commission

- Date of Issuance: December 29, 2010 / Effective Date: February 1, 2011

- *Procedural Regulations on Administrative Enforcement of Anti-Price Monopoly*

- 反价格垄断行政执法程序规定

- Issuing Authority: National Development and Reform Commission

- Date of Issuance: December 29, 2010 / Effective Date: February 1, 2011

7. Anti-Monopoly

SAIC Released Three Anti-Monopoly Implementing Rules

《禁止垄断协议行为的规定》，《禁止滥用市场支配地位行为的规定》，《制止滥用行政权力排除、限制竞争行为的规定》(12/31/2010)

The State Administration for Industry and Commerce (SAIC) has recently released the *Regulations on Prohibition against Monopoly Agreements* (“Monopoly Agreement Regulations”), the *Regulations on Prohibition against Abuse of Dominant Market Position* (“Predominance Regulations”), and the *Regulations on Banning Abuse of Administrative Power to Eliminate or Restrict Competitive Activities* (“Administrative Power Regulations”), which shall all come into force as of February 1, 2011.

I. *Regulations on Prohibition against Monopoly Agreements*

The Monopoly Agreement Regulations further clarify the concept of monopoly agreements, which are defined as agreements (in written or oral form), decisions or other concerted conducts reached among the operators, or carried out by operators under the auspices of the industry association, to eliminate or restrict competition in violation of Articles 13, 14 or 16 of the *Anti-Monopoly Law*. Monopoly agreements concluded between competing operators to restrict production volume or sales volume of merchandise, divide sales markets or raw material procurement markets, restrict purchase or development of new technologies or equipments or boycott of certain transactions are prohibited.

II. *Regulations on Prohibition against Abuse of Dominant Market Position*

The Predominance Regulations clarify the definitions of dominant market position, and how to recognize the dominant market position. The “dominant market position” refers to the market position that enables operators to control the price or volume of a product or other trade terms in the relevant market, or to impede or affect other operators’ access to the relevant market.

To recognize the dominant market position, the following factors shall be taken into consideration:

- The operator’s market share in the relevant market, as well as the competitive situation in the market;
- The operator’s ability to control the sales or raw material procurement market;

- The operator's financial conditions and technical strengths;
- Extent of other operators' reliance on the operator in transactions;
- Degree of difficulty for other operators to enter the relevant market;
- Other factors relevant to recognition of a dominant market position.

III. Regulations on Banning Abuse of Administrative Power to Eliminate or Restrict Competitive Activities

The Administrative Power Provision further specifies seven types of abusive acts by administrative authorities and other organizations with administrative power over public affairs upon authorization of laws or regulations, including:

- Misusing their administrative power, by means of expressly demanding, implicating, rejecting or postponing an administrative licensing or repetitive inspection, etc.; openly or surreptitiously force individuals or entities to sell, purchase or use products of operators designed by said authorities; or intervening in operators' normal business operation;
- Obstructing or restricting non-local merchandise from entering local markets by means of enforcing discriminatory technical requirements or inspection standards, or taking discriminatory technical measures against non-local merchandise, such as repetitive inspections and repetitive certification, etc.;
- Obstructing or restricting non-local merchandise from entering local markets by adopting administrative licensing directed exclusively at non-local merchandise or, when imposing administrative licensing on non-local merchandise, subjecting them to different permit conditions, procedures, deadlines, etc.;
- Obstructing or restricting non-local merchandise from entering local markets or the shipment of local merchandise to non-local markets by setting up checkpoints or taking other measures;
- Precluding or restricting non-local business operators from participating in local bid activities by means of setting discriminatory qualification requirements or appraisal standards or failing to duly release information, etc.;
- Precluding or restricting non-local business operators from investing in or establishing subsidiaries in local regions, or interfering in non-local business operators' abilities to maintain normal business operations in local region by adopting unequal treatment, etc.;
- Compelling business operators to reach and perform monopolistic agreements to eliminate or restrict competition, or compelling business operators with dominant market position to conduct activities by abusing their dominant market positions.

- Regulations on Prohibition against Monopoly Agreements

- 禁止垄断协议行为的规定

- Issuing Authority: State Administration for Industry and Commerce

- Date of Issuance: December 31, 2010 / Effective Date: February 1, 2011

- Regulations on Prohibition against Abuse of Dominant Market Position

- 禁止滥用市场支配地位行为的规定

- Issuing Authority: State Administration for Industry and Commerce

- Date of Issuance: December 31, 2010 / Effective Date: February 1, 2011

- Regulations on Banning Abuse of Administrative Power to Eliminate or Restrict Competitive Activities

- 制止滥用行政权力排除、限制竞争行为的规定

- Issuing Authority: State Administration for Industry and Commerce

- Date of Issuance: December 31, 2010 / Effective Date: February 1, 2011

8. Labor

China Modifies Measures for Recognition of Work-Related Injuries

《工伤认定办法》(12/31/2010)

The Ministry of Human Resources and Social Security has issued the *Measures for Recognition of Work-Related Injuries* ("Recognition Measures"), which shall come into effect on January 1, 2011. The Measures for Recognition of Work-Related Injuries issued on September 23, 2003, shall be repealed simultaneously. The Recognition Measures were revised based on the newly released Regulations on Work-Related Injury Insurance. Some key provisions are summarized below.

According to the Recognition Measures, when a worker suffers a work-related injury from an accident, or is diagnosed with or recognized to have an occupational disease pursuant to the Law on Prevention and Control of Occupational Disease, the entity in which he/she works shall, within 30 days after the accident occurs or after the diagnosis/recognition of the occupational disease, submit an application for the recognition of a work-related injury to the administrative department of social insurance in the integrated planned region. If the entity fails to submit such an application, the injured worker, close relatives thereof or the trade union can file an application within one year after the accident/diagnosis/recognition. In special circumstances, the time limit for application may be appropriately extended after obtaining the consent of the administrative department of social insurance.

In applying for such recognition, the application form shall be completed and the following materials shall also be submitted:

- copies of labor or employment contracts, or other supporting materials on (actual) labor relation or personnel relation with the employing entity; and
- certification of the diagnosis of the injury or occupational disease issued by a medical institution.

The administrative department of social insurance shall, within 60 days after receiving the application for recognition of a work-related injury, make a decision on such recognition and issue a Decision on Recognizing a Work-related Injury or a Decision on Refusal to Recognize a Work-related Injury.

- *Measures for the Recognition of Work-related Injuries*

- 工伤认定办法

- *Issuing Authority: Ministry of Human Resources and Social Security*

- *Date of Issuance: December 31, 2010 / January 1, 2011*

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