

GARRIGUES

NEWSLETTER
TAX CHINA

MARCH / MAY 2018



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NAME	DATE OF EFFECTIVENESS	GARRIGUES INSIGHT
<p>财税2018年第32号 财政部税务总局关于调整增值税税率的通知/</p> <p>Cai Shui [2018] No.32 Circular of the Ministry of Finance and the State Administration of Taxation on Adjusting Value-added Tax ("VAT") Rates</p>	01/05/2018	<p>I. The VAT rates of 17% and 11% are adjusted to 16% and 10% respectively ("Adjustment").</p> <p>II. Goods or services with VAT rate of 17% (or 11%) and export VAT refund rate of 17% (or 11%) before the Adjustment will be subject to a VAT refund rate of 16% (or 10%). During the transitional period, trading enterprises purchasing goods or services before May 1, 2018 and exporting before July 31, 2018 shall apply the VAT refund rates of export before the Adjustment. Otherwise, the new VAT refund rates (i.e. 16% and 10%) would apply. Regarding manufacturing enterprises, the VAT refund rates before the Adjustment would apply until July 31, 2018.</p> <p>III. VAT payer purchasing agricultural products, the previous applicable deduction rate of 11% is adjusted to 10% after the Adjustment except for the circumstance that the agricultural products are purchased for the production and sales or for the commission processing of the goods with 16% VAT rate. In the latter circumstance, the deduction rate is 12%.</p>
<p>国家税务总局公告2018年第15号 国家税务总局关于企业所得税资产损失资料留存备查有关事项的公告/</p> <p>Announcement of the State Administration of Taxation ("SAT") [2018] No.15 Announcement of the SAT on Relevant Issues Regarding Keeping Enterprise Income Tax ("EIT") Documents of Asset Losses for Future Reference and Inspection ("Announcement 15")</p>	10/04/2018	<p>I. Only the Breakdown Form of Tax Deduction and Tax Adjustment for Asset Losses in the Annual EIT Returns shall be completed for tax deductible asset losses. The relevant supporting documents are not required to be submitted to the competent tax authority. The enterprise shall keep them for future reference and inspection.</p> <p>II. Announcement 15 is effective for EIT Annual Filing for the year 2017 and onwards.</p>
<p>财税[2018]51号 关于企业职工教育经费税前扣除政策的通知/</p> <p>Cai Shui [2018] No.51 Circular on the Tax Deduction Policy for Employee Education Expenses of Enterprises</p>	01/01/2018	<p>The expenditures in relation to employees' education are tax deductible expenses up to 8% of the total wages and salaries in computing enterprise income tax. The portion of employee education expenses exceeding the said 8% of the total wages and salaries may be carried forward to the succeeding years.</p>
<p>财税[2018]54号 关于设备器具扣除有关企业所得税政策的通知/</p> <p>Cai Shui [2018] No.54 Circular on the Enterprise Income Tax Policy Concerning Deductions for Equipment</p>	07/05/2018	<p>If enterprises purchase new equipment in the period from January 1, 2018 to December 31, 2020 with a unit price of no more than CNY 5 million, the cost of the equipment can be expensed immediately in the calculation of taxable income.</p> <p>Equipment with a unit price exceeding CNY 5 million shall continue applying the old rules for accelerated depreciation.</p>

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<p>财税[2018]50号 关于对营业账簿减免印花税的通知/</p> <p>Cai Shui [2018] No. 50 Circular on Stamp Duty ("SD") Relief for Business Account Books</p>	01/05/2018	<p>SD levied on the total amount of paid-in capital and capital reserve at 0.05% is halved since May 1, 2018.</p> <p>Other account books which were subject to a fixed amount of CNY 5 per book will be exempted from SD since May 1, 2018.</p>
<p>国家税务总局公告2018年第14号 国家税务总局关于明确同期资料主体文档提供及管理有关事项的公告/</p> <p>Announcement of the State Administration of Taxation ("SAT") [2018] No.14 Announcement of the SAT on Relevant Issues Regarding Provision and Management of Master Files of Contemporaneous Documentation</p>	20/05/2018	<p>For an enterprise group which is required to prepare master files, if the enterprises in the group are subject to jurisdiction of two or more tax authorities, it may choose one of the competent tax authorities and provide master files voluntarily. When other enterprise of the group is required to provide the master files by its competent tax authority, it may be exempted from providing such master files, provided that it reports to the competent tax authority in writing that its group enterprise has already provided the master files in a proactive manner.</p>
<p>海关总署令第237号 关于公布《中华人民共和国海关企业信用管理办法》的令/</p> <p>Order of the General Administration of Customs ("GAC") No.237 Order on Publishing the Measures of the Customs of the People's Republic of China for the Administration of Enterprise Credit ("Order")</p>	01/05/2018	<p>I. The customs classifies enterprises into authenticated enterprises (including senior authenticated enterprises and general authenticated enterprises), general enterprises and dishonest enterprises according to their credit level. Enterprises with different credit level are eligible for different administration methods.</p> <p>Enterprises shall submit the Annual Report on Enterprise Credit Information of the prior year to the customs from January 1 to June 30 every year.</p> <p>II. A newly established enterprise will be assessed as a general enterprise. An enterprise meeting the conditions indicated in Custom Standards of Authenticated Enterprises can be assessed as authenticated enterprise through application. If failed in the said application, the enterprise could not perform the application in one year. Enterprises with different credit level are subject to different future administrations.</p>

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<p>国家税务总局公告2018年第16号 国家税务总局关于出口退（免）税申报有关问题的公告/</p> <p>Announcement of the State Administration of Taxation (“SAT”) [2018] No.16 Announcement of the SAT on Issues Concerning the Declaration of Export Tax Refund (Exemption)</p>	01/05/2018	<p>I. Export refund (exemption) pre-filing as well as the submissions of value-added tax returns, declaration list of the import goods (for processing trade), Declaration Form of Several Export Tax Refunds On Purchased Goods and Application Form for Export Tax Refunds (Exemption) with No Relevant Electronic Information are cancelled.</p> <p>II. In certain circumstances, application with the competent tax authority for late filing of export tax refund (exemption) may be made due to the lack of supporting documents.</p> <p>III. Some export enterprises are required to provide the evidences for receiving the foreign exchange of export goods.</p> <p>IV. A manufacturing enterprise shall apply for the write-off of processing with imported materials under the manual (account book) for processing with imported materials that have been written off by customs in the previous year with the competent tax authority before April 20 of each year. In case that the enterprise fails to perform the write-off formality before April 20, the competent tax authority will not handle the enterprise’s export tax refund (exemption) until the write-off formality is completed.</p> <p>V. An export enterprise may request the competent tax authority in writing for the re-assessment of the administration category of export enterprises, in the case that: (a) the tax credit rating, the credit administration category of customs-certified enterprises, the classified administration rating for foreign exchange administration etc. have been changed; or (b) the enterprise has objection to the result of classified administration category assessment .</p>
<p>海关总署公告2018年第23号 关于启用保税核注清单的公告/</p> <p>Announcement of the General Administration of Customs [2018] No.23 Announcement on Using the Bonded Goods Verification Checklist (“Checklist”)</p>	01/07/2018	<p>The Checklist is a supporting document of Golden Customs II used for Processing trading and bonded supervision businesses.</p> <p>Processing trading enterprises and enterprises under bonded supervision, which have set up the bonded accounts under Golden Customs II, shall report the data and information of the Checklist to the Customs in stipulated format before going through the customs declaration procedures in the following circumstances:</p> <ul style="list-style-type: none"> • goods entering or exiting the territory of China, customs special supervision area and bonded supervision area; or • bonded goods transferred among customs special supervision area, bonded supervision area and Processing trading enterprises. <p>Qualified enterprises are not required to perform filing formalities of customs declaration or list record-filing (“Filing Formalities”). Other enterprises that are still required to perform Filing Formalities may obtain the data required for customs declaration or list record-filing from Checklist automatically.</p>

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<p>海关总署第240号令 关于公布《海关总署关于修改部分规章的决定》的令/ Order of the General Administration of Customs ("GAC") No.240 Order on Issuing the Decision of the GAC on Revising Some Regulations ("Order")</p>	01/07/2018	<p>82 customs regulations are revised in the Order so as to simplify the customs procedures and formalities.</p> <p>For example, <i>Administrative Measures of the Customs of the People's Republic of China for the Reduction and Exemption of Import and Export Taxes</i> stipulate that business license of the enterprise is no longer required for the registration and approval for tax reduction and exemption of import and export goods.</p>
<p>海关总署、国家税务总局公告2018年第10号 关于进行《海关专用缴款书》打印改革试点的公告/ Announcement of the General Administration of Customs and the State Administration of Taxation [2018] No.10 Announcement on Pilot Reform of Printing Customs Special Payment Receipt ("Receipt")</p>	19/01/2018	<p>The pilot reform will be carried out in Shanghai Customs and Nanjing Customs:</p> <p>Enterprises choose to pay taxes through e-payment, can opt to either self-printing the electronic Receipt online at http://online.customs.gov.cn or apply the paper Receipt with the competent customs.</p>
<p>财税2018年第33号 财政部税务总局关于统一增值税小规模纳税人标准的通知/ Cai Shui [2018] No.33 Circular of the Ministry of Finance and the State Administration of Taxation ("SAT") on Unifying the Criteria for Small-scale Value-added Tax ("VAT") Payers 国家税务总局公告2018年第18号 国家税务总局关于统一小规模纳税人标准等若干增值税问题的公告/ Announcement of the SAT [2018] No.18 Announcement of the SAT on Several Value-added Tax ("VAT") Issues of Unifying the Criteria for Small-scale VAT Payers</p>	01/05/2018	<p>I. The upper limit of the annual sales income (i.e. including VAT taxable sales income, VAT exempted sales income, sales income indicated on the VAT invoices issued by the tax authority and sales income adjusted in tax assessments and tax audits) for small-scale VAT payers is RMB 5 million.</p> <p>II. In the case that an enterprise has registered as a general VAT payer according to the old standards of sales revenue, it can switch back to small-scale VAT payer before December 31, 2018. The input VAT that has not been deducted shall be transferred out.</p>

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国家税务总局公告2018年第20号 | 国家税务总局关于统一小规模纳税人标准有关出口退(免)税问题的公告/

Announcement of the State Administration of Taxation ("SAT") [2018] No.20 | Announcement of the SAT on Export Tax Refund (Exemption) Issues Concerning Unifying the Criteria of Small-scale Value-added Tax ("VAT") Payers

01/05/2018

According to Cai Shui [2018] No.33 mentioned above, general VAT payers meeting certain conditions can switch to small-scale VAT payers ("Switching Taxpayers"). The transactions which are eligible for VAT refund policies ("Eligible Transactions") before the switch are still eligible for VAT refund policies after the switch. Eligible Transactions are subject to VAT exemption policy from the next tax filing period after switch.

海关总署公告2018年第19号 | 关于以企业为单元加工贸易监管模式改革扩大试点的公告/

Announcement of the General Administration of Customs [2018] No.19 | Announcement on Expanding the Pilot Reform of the Processing Trade Supervision Mode Based on An Enterprise as A Unit ("Pilot Reform")

05/03/2018

I. The customs of 26 cities are included in the Pilot Reform, including Shenyang, Shanghai, Nanjing, Hangzhou, Ningbo, Guangzhou, Shenzhen, Huangpu, etc.

II. An enterprise that implements the Pilot Reform must be a manufacturing enterprise that conducts processing trade business in its own name and meets one of the following conditions:

- The customs credit rating of the enterprise is general authenticated or above; or
- The customs credit rating of the enterprise is general. The enterprise has transparent and clear goods flow and data flow, a complete logical chain, and traceable consumption of materials in respect of its internal processing trade.

III. The scope of the Pilot Reform includes: establishment (change) of accounting books, import and export, outward processing, transfer of goods for further processing, domestic sales, transfer of surplus materials, verification and declaration, verification and cancelation, and after-sales maintenance by the company or the group.

财税[2018]22号 | 关于开展个人税收递延型商业养老保险试点的通知/

Cai Shui [2018] No.22 | Circular on Launching the Pilot Program for Individual Income Tax ("IIT") Deferral Commercial Pension Insurance ("Pilot Program")

01/05/2018

I. Shanghai, Fujian and Suzhou Industrial Park will be covered by the Pilot Program. The duration of the Pilot Program will be one year.

II. The premium of qualified commercial pension insurance bought through individual's commercial pension account can be deducted before IIT. The upper limit of the deduction is the lower of 6% of the monthly salary or RMB 1,000 for individual who receives salary or continuous remuneration for personal services.

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<p>国家税务总局公告2018年第21号 国家税务总局关于开展个人税收递延型商业养老保险试点有关征管问题的公告/</p> <p>Announcement of the State Administration of Taxation ("SAT") [2018] No. 21 Announcement of the SAT on Tax Collection and Administration Issues Concerning the Pilot Program for Individual Income Tax ("IIT") Deferral Commercial Pension Insurance ("Pilot Program")</p>		<p>III. The investment income generated is subject to IIT when the commercial pension is received by the individual in at least 15 instalments, unless the individual is deceased, totally disabled or seriously ill. 25% of the pension is IIT exempted. The remaining 75% of the pension will be classified as other income and be subject to IIT at 10%. The IIT shall be withheld by the insurance company.</p>
<p>财税[2018]47号 关于抗癌药品增值税政策的通知/</p> <p>Cai Shui [2018] No.47 Circular on Value-added Tax ("VAT") Policies on Anti-cancer Drugs</p>	01/05/2018	<p>I. General VAT payers that manufacture and sell, wholesale, or retail anticancer drugs may choose to use simplified tax calculation method applying a tax rate of 3%. The above simplified method once chosen may not be changed within 36 months.</p> <p>II. Import VAT rate for anticancer drugs is reduced to 3%.</p> <p>III. Taxpayers shall calculate the sales revenue for anticancer drugs separately. Otherwise, the simplified calculation method is not applicable.</p>
<p>税委会公告[2018]3号 国务院关税税则委员会关于降低汽车整车及零部件进口关税的公告/</p> <p>Announcement of the Customs Tariff Commission of the State Council [2018] No.3 Announcement of the Customs Tariff Commission of the State Council on Reducing Import Tariffs on Finished Automobiles and Auto Components</p>	01/07/2018	<p>The import tariff of finished automobiles under 135 HS Codes will be reduced from 25% to 15%. The import tariff of finished automobiles under another 4 HS Codes will be reduced from 20% to 15%. The 8%, 10%, 15%, 20% and 25% import tariffs of items under 79 HS codes for auto components will be reduced to 6%. More details could be found in the official website of the Ministry of Finance of the People's Republic of China.</p>
<p>财税[2018]44号 关于将服务贸易创新发展试点地区技术先进型服务企业所得税政策推广至全国实施的通知/</p> <p>Cai Shui [2018] No.44 Circular on Promoting the Enterprise Income Tax ("EIT") Policy for Advanced Technology Service Enterprises ("ATSE") from Pilot Areas to Nationwide in Relation to the Innovative Development of Service Trade</p>	19/05/2018	<p>The certified ATSE may apply reduced EIT rate of 15% since January 1, 2018.</p> <p>The scope of the ATSE has been widened to computer and information services, research and development and technology services, culture technology services and traditional Chinese medicine services.</p>

OTHER TAX LAWS

1. 国家税务总局公告2018年第17号 | 国家税务总局关于调整增值税纳税申报有关事项的公告/
Announcement of the State Administration of Taxation ("SAT") [2018] No.17 | Announcement of the SAT on Adjusting Tax Filing Issues on Value-added Tax Returns
2. 海关总署公告2018年第26号 | 关于全面取消打印出口货物报关单证明联（出口退税专用）的公告/
Announcement of the General Administration of Customs [2018] No.26 | Announcement on Cancelling Printing Certification Form of Export Goods Declaration Form (Specially for Export Refund)
3. 中华人民共和国商务部公告2018年第34号 | 关于对原产于美国的部分进口商品加征关税的公告/
Announcement of the Ministry of Commerce of the People's Republic of China [2018] No.34 | Announcement on Imposing Additional Tariff on Some Imported Products Originating from the U.S.
4. 税委会[2018]13号 | 国务院关税税则委员会对原产于美国的部分进口商品中止关税减让义务的通知/
Shui Wei Hui [2018] No.13 | Circular of the Customs Tariff Commission of the State Council on Suspending Obligations to Offer Tariff Concessions to Some Imported Goods Originating from the U.S.
5. 国务院关税税则委员会关于对原产于美国的部分进口商品加征关税的公告/
Announcement of the Customs Tariff Commission of the State Council on Imposing Additional Tariffs on Some Imported Goods Originating from the U.S.
6. 税委会公告[2018]2号 | 国务院关税税则委员会关于降低药品进口关税的公告/
Announcement of the Customs Tariff Commission of the State Council [2018] No.2 | Announcement of the Customs Tariff Commission of the State Council on Reducing Import Tariffs on Drugs
7. 国家税务总局公告2018年第13号 | 国家税务总局关于发布《资源税征收管理规程》的公告/
Announcement of the SAT [2018] No.13 | Announcement of the SAT on Issuing the Procedures for the Administration of Resource Tax Collection
8. 国家税务总局公告2018年第19号 | 国家税务总局关于大连商品交易所铁矿石期货保税交割业务增值税管理问题的公告/
Announcement of the SAT [2018] No.19 | Announcement of the SAT on Value-added Tax Administrative Issues on the Bonded Delivery of Iron Ore Futures of the Dalian Commodity Exchange
9. 国家税务总局公告2018年第24号 | 国家税务总局、海关总署关于进口租赁飞机有关增值税问题的公告/
Announcement of the SAT [2018] No.24 | Announcement of the SAT and the General Administration of Customs on Value-added Tax Issues of the Imported Airplanes
10. 国家税务总局公告2018年第25号 | 国家税务总局关于外贸综合服务企业办理出口货物退（免）税有关事项的公告/
Announcement of the SAT [2018] No.25 | Announcement of the SAT on Issues Concerning Handling Tax Refund (Exemption) on Exported Goods by Comprehensive Foreign Trade Service Enterprises
11. 财税[2018]26号 | 关于对页岩气减征资源税的通知/
Cai Shui [2018] No. 26 | Circular on Reducing Resource Tax on Shale Gas
12. 财税[2018]27号 | 关于集成电路生产企业有关企业所得税政策问题的通知/
Cai Shui [2018] No.27 | Circular on Issues Concerning Enterprise Income Tax Policies for Integrated Circuit Manufacturers
13. 财税2018年第23号 | 财政部、税务总局、生态环境部关于环境保护税有关问题的通知/
Cai Shui [2018] No.23 | Circular of the Ministry of Finance, the State Administration of Taxation and Ministry of Ecology and Environment on Environmental Protection Tax Related Issues
14. 财税[2018]21号 | 关于支持原油等货物期货市场对外开放税收政策的通知/
Cai Shui [2018] No.21 | Circular on Tax Policies in Support of the Opening of the Crude Oil Futures Market and Other Commodity Futures Markets
15. 财税[2018]17号 | 财政部、税务总局关于继续支持企业 事业单位改制重组有关契税政策的通知/
Cai Shui [2018] No.17 | Circular of Ministry of Finance and the SAT on Relevant Deed Tax Policies for Continued Support to Enterprises and Public Institutions for System Reform and Reorganization

16. 财税[2018]13号 | 关于非营利组织免税资格认定管理有关问题的通知/
Cai Shui [2018] No.13 | Circular on Issues Concerning the Recognition and Administration of Tax-exempt Qualifications of Non-profit Organizations
17. 财税[2018]38号 | 关于延续动漫产业增值税政策的通知/
Cai Shui [2018] No.38 | Circular on Renewing Value-added Tax Policies for the Animation Industry
18. 财税[2018]55号 | 关于创业投资企业和天使投资个人有关税收政策的通知/
Cai Shui [2018] No.55 | Circular on Tax Policies for Venture Capital Enterprises and Individual Angel Investors
19. 税总发[2018]26号 | 国家税务总局关于推行办税事项“最多跑一次”改革的通知/
Shui Zong Fa [2018] No.26 | Circular of the SAT on Promoting the Reform of Handling Tax Matters on a One-time Basis
20. 税总发[2018]32号 | 国家税务总局关于发布财务报表数据转换参考标准及完善网上办税系统的通知/
Shui Zong Fa [2018] No.32 | Circular of the State Administration of Taxation (“SAT”) on Issuing Reference Standard for Data Transfer of Financial Statement and Improving Online Tax System
21. 税总办发[2018]38号 | 国家税务总局办公厅关于开展第27个全国税收宣传月活动的通知/
Shui Zong Ban Fa [2018] No.38 | Circular of the SAT Office on Launching No. 27 National Tax Publicity Month Activity
22. 财关税[2018]6号 | 关于2018年度种子种源免税进口计划的通知/
Cai Guan Shui [2018] No.6 | Circular on 2018 Tax Exemption Plan on Import of Seed
23. 财关税[2018]4号 | 关于印发口岸进境免税店管理暂行办法补充规定的通知/
Cai Guan Shui [2018] No.4 | Circular on Issuing Supplementary Provisions to the Interim Administrative Regulations for Port-area Duty-Free Shops for Imported Goods
24. 中华人民共和国工业和信息化部、财政部、国家税务总局公告2018第17号/
Announcement of the Ministry of Industry and Information Technology, the Ministry of Finance and the SAT of the People’s Republic of China [2018] No.17
25. 税总办函[2018]96号 | 国家税务总局办公厅关于启用“国家税务总局政务公开专用章”的通知/
Shui Zong Ban [2018] No.96 | Circular of Office of the SAT on Initiating SAT Special Chop for Public Government Affairs
26. 中华人民共和国工业和信息化部、国家税务总局公告2018年第20号 | 免征车辆购置税的新能源汽车车型目录 (第十七批) /
Announcement of Ministry of Industry and Information Technology of People’s Republic of China and the SAT [2018] No.20 | Catalogue of New Energy Vehicles Exempt from Vehicle Purchase Tax (17th Batch)
27. 税总函[2018]94号 | 关于《增值税纳税申报比对管理操作规程 (试行) 》执行有关事项的通知/
Shui Zong Han [2018] No. 94 | Circular of the State Administration of Taxation on Issues Concerning the Implementation of the Operating Rules for the Administration of Checking Value-added Tax Returns (for Trial Implementation)
28. 税总函2018年142号 | 国家税务总局关于发布出口退税率文库2018B版的通知/
Shui Zong Han [2018] No. 142 | Circular of the SAT on Issuing Export Refund Tax Rate Library 2018 B Edition
29. 税总函[2018]175号 | 国家税务总局关于贯彻落实降低残疾人就业保障金征收标准政策的通知/
Shui Zong Han [2018] No. 175 | Circular of the SAT on Implementing the Policy on Reducing the Payment Standard of the Employment Security Fund for the Disabled
30. 税总函[2018]176号 | 国家税务总局关于落实继续阶段性降低社会保险费率相关事项的通知/
Shui Zong Han [2018] No. 175 | Circular of the SAT on Putting into Practice on Issues Concerning the Further Reduction of the Social Insurance Contribution Rates
31. 建办标[2018]20号 | 住房城乡建设部办公厅关于调整建设工程计价依据增值税税率的通知/
Jian Ban Biao [2018] No.20 | Circular of Office of Ministry of Housing and Urban-Rural Development on Adjusting the Value-added Tax Rate on Price Basis of Construction Projects

SOURCES

1. <http://www.chinatax.gov.cn/>
2. <http://www.lexiscn.com/>
3. <http://www.customs.gov.cn/>

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