

【Title】 Decision of the State Council on Repealing and Amending Some Administrative Regulations (2013)[现行有效]

【法规标题】 国务院关于废止和修改部分行政法规的决定(2013) [Effective]

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Order of the State Council of the People's Republic of China
(No. 638)

The Decision of the State Council on Repealing and Amending Some Administrative Regulations, as adopted at the 10th executive meeting of the State Council on May 31, 2013, is hereby issued and shall come into force on the date of issuance.

Premier: Li Keqiang
July 18, 2013

Decision of the State Council on Repealing and Amending Some Administrative Regulations

To legally promote the reform of the administrative approval system and the transformation of government functions, further stimulate creativity in markets and society, maximize the advantages of local governments in direct contact with the common people, and promote and ensure the shift of more prior administrative approvals to process and follow-up supervision, the State Council has reviewed the relevant administrative regulations. Upon review, it hereby decides to:

(1) repeal the Measures for the Administration of Coal Production Permits (Issued by the State Council on December 20, 1994); and

(2) amend some clauses of 25 administrative regulations.
This Decision shall come into force on the date of issuance.

Annex:
Administrative Regulations Amended as Decided by the State Council

1. Article 7 of the Regulation of the People's Republic of China on the

中华人民共和国国务院令
(第 638 号)

《[国务院关于废止和修改部分行政法规的决定](#)》已经 2013 年 5 月 31 日国务院第 10 次常务会议通过，现予公布，自公布之日起施行。

总 理 李克强
2013 年 7 月 18 日

[国务院关于废止和修改部分行政法规的决定](#)

为了依法推进行政审批制度改革和政府职能转变，进一步激发市场、社会的创造活力，发挥好地方政府贴近基层的优势，促进和保障政府管理由事前审批更多地转为事中事后监管，国务院对有关的行政法规进行了清理。经过清理，现决定：

一、废止《[煤炭生产许可证管理办法](#)》（1994 年 12 月 20 日国务院公布）。

二、对 25 件行政法规的部分条款予以修改。

本决定自公布之日起施行。

附件：

国务院决定修改的行政法规

一、将《[中华人民共和国对外合作](#)

Exploitation of Offshore Petroleum Resources in Cooperation with Foreign Enterprises is amended to read: “For the sea areas, areas, and lots for petroleum exploitation in cooperation with foreign enterprises, CNOOC shall, by organizing bidding, determine the foreign enterprises cooperating in the exploitation of offshore petroleum resources, enter into contracts for the cooperative exploitation of petroleum or other cooperative contracts, and report relevant contract information to the Ministry of Commerce of the People’s Republic of China.”

2. Article 23 of the Regulation on the Administration of Laboratory Animals is amended to read: “Where an entity of laboratory animals imports from abroad any laboratory animals as original breeds, it must register with the breed conservation, breeding, and quality control entities designated by the science and technology administrative department of the people’s government of the province, autonomous region, or municipality directly under the Central Government where it is located.”

Paragraph 1 of Article 24 is amended to read: “Any export of laboratory animals must be subject to the approval of the science and technology administrative department of the people’s government of the province, autonomous region, or municipality directly under the Central Government where the entity of laboratory animals is located. The export formalities may be handled only after such an approval has been obtained.”

3. Article 4 of the Provisions on the Administration of Ground Receiving Facilities of Satellite Television Broadcasting is deleted.

Article 5 is renumbered as Article 4 and amended to read: “Manufacturers licensed by the competent department for production permits of industrial products shall sell satellite ground receiving facilities to legally established installation service institutions. No other entity or individual may sell the same.”

Article 11 is renumbered as Article 10, and paragraph 1 thereof is amended to read: “Where satellite ground receiving facilities are manufactured without a permit or a manufacturer fails to sell satellite ground receiving facilities to legally established installation service institutions, in violation of these Provisions, the competent department for production permits of industrial products shall order the manufacturer to stop production or sale.”

4. Article 8 of the Regulation of the People’s Republic of China on the Exploitation of Continental Petroleum Resources in Cooperation with Foreign Enterprises is amended to read: “Chinese petroleum companies shall, within the areas approved by the State Council for the exploitation of continental petroleum resources in cooperation with foreign enterprises, determine the foreign enterprise cooperating in the exploitation of continental petroleum resources on the basis of the demarcated cooperative lots by bidding or negotiation, enter into contracts for the

[开采海洋石油资源条例》第七条](#)修改为: “中国海洋石油总公司就对外合作开采石油的海区、面积、区块, 通过组织招标, 确定合作开采海洋石油资源的外国企业, 签订合作开采石油合同或者其他合作合同, 并向中华人民共和国商务部报送合同有关情况。”

二、将《[实验动物管理条例》第二十三条](#)修改为: “实验动物工作单位从国外进口实验动物原种, 必须向该单位所在地省、自治区、直辖市人民政府科技行政主管部门指定的保种、育种和质量监控单位登记。”

第二十四条第一款修改为: “出口实验动物, 必须报实验动物工作单位所在地省、自治区、直辖市人民政府科技行政主管部门审批。经批准后, 方可办理出口手续。”

三、删去《[卫星电视广播地面接收设施管理规定》第四条](#)。

第五条改为第四条, 并修改为: “工业产品生产许可证主管部门许可的生产企业, 应当将卫星地面接收设施销售给依法设立的安装服务机构。其他任何单位和个人不得销售。”

第十一条改为第十条, 并将第一款修改为: “违反本规定, 擅自生产卫星地面接收设施或者生产企业未按照规定销售给依法设立的安装服务机构的, 由工业产品生产许可证主管部门责令停止生产、销售。”

四、将《[中华人民共和国对外合作开采陆上石油资源条例》第八条](#)修改为: “中方石油公司在国务院批准的对外合作开采陆上石油资源的区域内, 按划分的合作区块, 通过招标或者谈判, 确定合作开采陆上石油资源的外国企业, 签订合作开采石油合同或者其他合作合同, 并向中华人民共和国商务部报送合

cooperative exploitation of continental petroleum resources or other cooperative contracts, and report relevant contract information to the Ministry of Commerce of the People's Republic of China.”

5. Article 12 of the Regulation on the Protection of Traditional Arts and Crafts is amended to read: “Persons who satisfy the following requirements and have long engaged in the production of traditional arts and crafts may, upon evaluation by the relevant industry associations, be granted the title of Master of Arts and Crafts in China:

“(1) Renowned at home and abroad for outstanding achievements.

“(2) Extraordinarily skilled with a unique style.”

Article 13 is deleted.

6. Article 24 of the Regulation on the Implementation of the Tobacco Monopoly Law of the People's Republic of China is amended to read: “Registered trademarks shall be used on cigarettes, cigars, and packed cut tobacco.”

Article 47 is deleted.

7. Article 7 of the Regulation on the National Awards for Science and Technology is amended to read: “No fees in any form may be charged in the process of granting science and technology awards established by the private sector for the general public.”

Article 23 is deleted.

8. Articles 9 and 10 of the Regulation of the People's Republic of China on International Ocean Shipping are deleted.

Article 13 is renumbered as Article 11, in which “international ship agency operators” is deleted.

Article 14 is renumbered as Article 12, in which “international ship agency operators” is deleted.

Article 15 is renumbered as Article 13, in which “international ship agency operators” is deleted.

Article 24 is deleted.

Article 34 is renumbered as Article 31, and paragraph 1 thereof is deleted.

Article 44 is renumbered as Article 41 and amended to read: “Whoever engages in the international ship management business without undergoing the registration formalities shall be ordered to stop the business by the transportation department of the people's government of the province, autonomous region, or municipality directly under the Central Government where the business is located, with confiscation of any illegal income; and be fined not less than two times but not more than five times the amount of illegal income if the illegal income is 50,000 yuan or more or be fined not less than 20,000 yuan but not more than 100,000 yuan if there is no illegal income or the illegal income is less than 50,000

同有关情况。”

五、将《[传统工艺美术保护条例](#)》[第十二条](#)修改为:“符合下列条件并长期从事传统工艺美术制作的人员,由相关行业协会组织评审,可以授予中国工艺美术大师称号:

“(一)成就卓越,在国内外享有声誉的;

“(二)技艺精湛,自成流派的。”

删去第十三条。

六、将《[中华人民共和国烟草专卖法实施条例](#)》[第二十四条](#)修改为:“卷烟、雪茄烟和有包装的烟丝,应当使用注册商标。”

删去第四十七条。

七、将《[国家科学技术奖励条例](#)》[第七条](#)修改为:“社会力量设立的面向社会的科学技术奖,在奖励活动中不得收取任何费用。”

删去第二十三条。

八、删去《[中华人民共和国国际海运条例](#)》[第九条](#)、[第十条](#)。

第十三条改为第十一条,并删去其中的“国际船舶代理经营者”。

第十四条改为第十二条,并删去其中的“国际船舶代理经营者”。

第十五条改为第十三条,并删去其中的“国际船舶代理经营者”。

删去第二十四条。

第三十四条改为第三十一条,并删去第一款。

第四十四条改为第四十一条,并修改为:“未办理登记手续,擅自经营国际船舶管理业务的,由经营业务所在地的省、自治区、直辖市人民政府交通主管部门责令停止经营;有违法所得的,没收违法所得;违法所得 5 万元以上的,处违法所得 2 倍以上 5 倍以下的罚款;没有违法所得或者违法所得不足 5 万元的,处 2 万元以上 10 万元以下的罚款

yuan.

Article 47 is renumbered as Article 44, in which “international ship agency operators” is deleted.

Article 52 is renumbered as Article 49, and paragraph 1 thereof is deleted.

Article 55 is renumbered as Article 52, in which “international ship agency operators” in item (2) is deleted.

9. Paragraph 4 of Article 35 of the Regulation on the Administration of Publication is deleted.

10. Article 23 of the Detailed Rules for the Implementation of the Law of the People's Republic of China on the Administration of Tax Collection is amended to read: “Taxpayers with small-scale production or trading activities and unable to create accounts may employ professional institutions or accounting personnel approved to engage in accounting agency with account creation and book-keeping.”

In paragraph 1 of Article 30, “upon approval of tax authorities” is deleted.

11. Paragraph 2 of Article 25 of the Regulation of the People's Republic of China on Chinese-foreign Cooperative Education is deleted.

Paragraph 2 of Article 43 is amended to read: “A modification of the domicile or the legal representative of a Chinese-foreign cooperative education institution shall be subject to the confirmation of the approval authority, and the relevant modification formalities shall be handled. For a modification of the president or the chief administrative officer, the modification formalities shall be handled in a timely manner.”

12. Article 19 of the Regulation on the Administration of Grain Circulation is amended to read: “An out-of-storage quality inspection system shall be established for the sale of grains. Grains exceeding the normal storage life of a grain storage enterprise shall undergo quality certification by a grain quality inspection institution before leaving storages, and decayed and rotten grains which no longer meet the food hygiene standards shall be strictly prohibited from entering the edible grains market. The standards for determining decayed grains shall be formulated by the grain administrative departments of the state jointly with other relevant departments. The specific measures for the sale, handling and supervision of decayed grains shall be governed by the relevant provisions of the state.”

Paragraph 2 of Article 45 is amended to read: “Whoever scalps decayed grains or fails to use decayed grains as legally required shall be fined not more than 20% of the value of the grains, with the grains confiscated, by the administrative department for industry and commerce; if the circumstances are serious, be fined not less than the amount of but not

款。”

第四十七条改为第四十四条，并删去其中的“国际船舶代理经营者”。

第五十二条改为第四十九条，并删去第一款。

第五十五条改为第五十二条，并删去第二项中的“国际船舶代理经营者”。

九、删去《[出版管理条例](#)》[第三十五条](#)第四款。

十、将《[中华人民共和国税收征收管理法实施细则](#)》[第二十三条](#)修改为：“生产、经营规模小又确无建账能力的纳税人，可以聘请经批准从事会计代理记账业务的专业机构或者财会人员代为建账和办理账务。”

删去第三十条第一款中的“经税务机关批准”。

十一、删去《[中华人民共和国中外合作办学条例](#)》[第二十五条](#)第二款。

第四十三条第二款修改为：“中外合作办学机构住所、法定代表人的变更，应当经审批机关核准，并办理相应的变更手续。中外合作办学机构校长或者主要行政负责人的变更，应当及时办理变更手续。”

十二、将《[粮食流通管理条例](#)》[第十九条](#)修改为：“建立粮食销售出库质量检验制度。粮食储存企业对超过正常储存年限的陈粮，在出库前应当经过粮食质量检验机构进行质量鉴定，凡已陈化变质、不符合食用卫生标准的粮食，严禁流入口粮市场。陈化粮判定标准，由国家粮食行政管理部门会同有关部门制定，陈化粮销售、处理和监管的具体办法，依照国家有关规定执行。”

第四十五条第二款修改为：“倒卖陈化粮或者不按照规定使用陈化粮的，由工商行政管理部门没收非法倒卖的粮食，并处非法倒卖粮食价值 20% 以下的罚款；情节严重的，由工商行政管理部门并处非法倒卖粮食价值 1 倍以上 5 倍以下的罚款，吊销营业执照；构成犯罪

more than five times the value of the grains by the administrative department for industry and commerce, with forfeiture of business license; or if any crime is constituted, be subject to criminal liability in accordance with the law.”

13. In paragraph 1 of Article 9 of the Regulation on the Administration of Commercial Performances, “or performance brokerage institution” is deleted.

Paragraph 3 of Article 12 is amended to read: “The formation of a performance brokerage institution or an entity operating performance premises hereunder shall be subject to the approval formalities under paragraph 3 of Article 11 of this Regulation.”

Paragraph 1 of Article 16 is amended to read: “To host commercial performances in which foreign cultural and artistic performance groups or individuals participate, the hosting entity shall file an application with the cultural administrative departments of the people’s government of the province, autonomous region, or municipality directly under the Central Government where the performances are located.”

14. Paragraph 1 of Article 51 of the Regulation on the Land Requisition Compensation and Resettlement of Migrants for Large- and Medium-scale Water Conservation and Hydropower Construction Projects is amended to read: “The state shall supervise and assess the whole course of resettlement of migrants. The local people’s government and the project legal person that have entered into a migrant resettlement agreement shall, by bidding, jointly entrust a migrant resettlement supervision and assessment entity to supervise and assess the relocation progress of migrants, the quality of resettlement of migrants, the appropriation and use of migrant funds, and the restoration of migrants’ living standard; and the entrusted party shall report supervision and assessment information to the entrusting party in a timely manner.

15. Paragraph 1 of Article 43 of the Regulation on the Administration of Futures Trading is deleted.

16. Article 39 of the Regulation of the People’s Republic of China on Seamen is amended to read: “To provide services for seamen of ocean ships, such as handling application formalities for training, tests, and certificates (including foreign certificates for seamen of ocean ships) on behalf of seamen of ocean ships, managing seaman affairs on behalf of employers of seamen of ocean ships, and providing ocean ship manning, an institution shall satisfy the following requirements:
“(1) It is a legal person legally established within the territory of the People’s Republic of China.
“(2) It has two or more executives with experiences of holding a post of senior officer.

的，依法追究刑事责任。”

十三、删去《[营业性演出管理条例](#)》第九条第一款中的“和演出经纪机构”。

第十二条第三款修改为：“依照本条规定设立演出经纪机构、演出场所经营单位的，应当依照本条例第十一条第三款的规定办理审批手续。”

第十六条第一款修改为：“举办外国的文艺表演团体、个人参加的营业性演出，演出举办单位应当向演出所在地省、自治区、直辖市人民政府文化主管部门提出申请。”

十四、将《[大中型水利水电工程建设征地补偿和移民安置条例](#)》第五十一条第一款修改为：“国家对移民安置实行全过程监督评估。签订移民安置协议的地方人民政府和项目法人应当采取招标的方式，共同委托移民安置监督评估单位对移民搬迁进度、移民安置质量、移民资金的拨付和使用情况以及移民生活水平的恢复情况进行监督评估；被委托方应当将监督评估的情况及时向委托方报告。”

十五、删去《[期货交易管理条例](#)》第四十三条第一款。

十六、将《[中华人民共和国船员条例](#)》第三十九条修改为：“从事代理海洋船舶船员办理申请培训、考试、申领证书（包括外国海洋船舶船员证书）等有关手续，代理海洋船舶船员用人单位管理船员事务，提供海洋船舶配员等海洋船舶船员服务业务的机构，应当符合下列条件：

“（一）在中华人民共和国境内依法设立的法人；

“（二）有2名以上具有高级船员任

“(3) It has seaman service management rules in compliance with the provisions issued by the transportation administrative department of the State Council.

“(4) It has service capacity required by its business.”

Paragraph 1 of Article 40 is amended to read: “An institution providing services for seamen of ocean ships shall file a written application with the maritime administrative agency, to which the evidentiary materials prescribed in Article 39 of this Regulation shall be attached.”

In paragraph 1 of Article 41, “a seaman service provider” is replaced with “an institution providing services for seamen of inland river ships or ocean ships (hereinafter referred to as a ‘seaman service provider’).”

In Article 47, “permit for providing seaman services” is replaced with “permit for providing services for seamen of ocean ships.”

In Article 63, “seaman service provider” is replaced with “service provider for seamen of ocean ships.”

In Article 67, “a seaman service provider” is replaced with “an institution providing services for seamen of ocean ships.”

17. Article 27 of the Regulation of the People’s Republic of China on Hydrology is amended to read: “The hydrologic monitoring materials used for important planning, the construction of a key project or the management of water resources, among others, shall be complete, reliable, and consistent.”

Item (2) of Article 41 is deleted.

18. In Article 32 of the Regulation on National Fitness, “competent sports department of a people’s government at or above the county level” is replaced with “competent sports department of a local people’s government at or above the county level.”

19. Article 29 of the Regulation on the Prevention and Control of Vessel-induced Pollution to the Marine Environment is amended to read: “The sites for vessel building or repair or dismantling of vessels on water shall comply with the environmental functional zoning and marine functional zoning.”

Paragraph 3 of Article 53 is deleted.

20. Paragraph 1 of Article 5 of the Regulation on the Administration of Registration of Resident Representative Offices of Foreign Enterprises is amended to read: “The industry and commerce administrative department of the people’s government of a province, autonomous region, or municipality directly under the Central Government shall be the authority registering and administering representative offices (hereinafter referred to as the “registration authority”).”

职资历的管理人员；

“（三）有符合国务院交通主管部门规定的船员服务管理制度；

“（四）具有与所从事业务相适应的服务能力。”

第四十条第一款修改为：“从事海洋船舶船员服务业务的机构，应当向海事管理机构提交书面申请，并附送符合本条例第三十九条规定条件的证明材料。”

第四十一条第一款中的“船员服务机构”修改为“从事内河船舶、海洋船舶船员服务业务的机构（以下简称船员服务机构）”。

第四十七条中的“船员服务业务许可”修改为“海洋船舶船员服务业务许可”。

第六十三条中的“船员服务”修改为“海洋船舶船员服务”。

第六十七条中的“船员服务机构”修改为“海洋船舶船员服务机构”。

十七、将《[中华人民共和国水文条例](#)》第[二十七条](#)修改为：“编制重要规划、进行重点项目建设和水资源管理等使用的水文监测资料应当完整、可靠、一致。”

删去第四十一条第二项。

十八、将《[全民健身条例](#)》第[三十二条](#)中的“县级以上人民政府体育主管部门”修改为“县级以上地方人民政府体育主管部门”。

十九、将《[防治船舶污染海洋环境管理条例](#)》第[二十九条](#)修改为：“船舶修造、水上拆解的地点应当符合环境功能区划和海洋功能区划。”

删去第五十三条第三款。

二十、将《[外国企业常驻代表机构登记管理条例](#)》第[五条](#)第一款修改为：“省、自治区、直辖市人民政府工商行政管理部门是代表机构的登记和管理机关（以下简称登记机关）。 ”

21. In Articles 4 and 14 of the Regulation on the Administration of Coal Mines of Townships, “coal production permit” is replaced with “work safety permit.”

22. In Articles 37 and 43 of the Regulation on the Safety Supervision of Coal Mines, “coal production permit” is replaced with “work safety permit.” In Article 47, “Coal production permit” is deleted.

23. Article 4 of the Regulation on Work Safety Permits is amended to read: “The construction administrative department of the people’s government of a province, autonomous region, or municipality directly under the Central Government shall be in charge of the issuance and administration of work safety permits for engineering construction enterprises, and receive guidance and supervision from the construction administrative department of the State Council.” In paragraph 2 of Article 7, “before applying for a coal production permit” is deleted.

24. Paragraphs 2, 3, and 4 of Article 12 of the Regulation on the Implementation of the Law of the People’s Republic of China on Import and Export Commodity Inspection are deleted.

In paragraphs 1 and 2 of Article 22, “designated by GAQSIQ” is deleted. Articles 33 and 34 are deleted.

Article 39 is renumbered as Article 37, in which “qualifications of personnel” is deleted.

Article 43 is renumbered as Article 41, and the sentence in paragraph 1, “The applicant for a certificate of place of origin shall complete registration with the entry-exit inspection and quarantine institution according to the law,” is deleted.

Article 48 is renumbered as Article 46, and the sentence in paragraphs 1 and 3, “and, if the circumstances are serious, revoke the inspection application registration or the inspection application practice registration,” is deleted.

Article 52 is renumbered as Article 50, in which “cosmetics” is deleted. Article 58 is renumbered as Article 56 and amended to read: “Where an inspection application agent enterprise or an exit-entry express delivery operation enterprise violates the relevant state provisions or disturbs the order of inspection application, the exit-entry inspection and quarantine agency shall order it to make correction and confiscate its illegal income, and may impose a fine of not more than 100,000 yuan on it; and AQSIQ or the exit-entry inspection and quarantine institution may suspend its inspection application agent business for not more than six months.”

二十一、将《[乡镇煤矿管理条例](#)》[第四条](#)、[第十四条](#)中的“煤炭生产许可证”修改为“安全生产许可证”。

二十二、将《[煤矿安全监察条例](#)》[第三十七条](#)、[第四十三条](#)中的“煤炭生产许可证”修改为“安全生产许可证”。

删去第四十七条中的“煤炭生产许可证”。

二十三、将《[安全生产许可证条例](#)》[第四条](#)修改为：“省、自治区、直辖市人民政府建设主管部门负责建筑施工企业安全生产许可证的颁发和管理，并接受国务院建设主管部门的指导和监督。”

删去第七条第二款中的“在申请领取煤炭生产许可证前”。

二十四、删去《[中华人民共和国进出口商品检验法实施条例](#)》[第十二条](#)第二款、第三款、第四款。

删去第二十二第一款、第二款中的“经国家质检总局指定的”。

删去第三十三条、第三十四条。

第三十九条改为第三十七条，并删去其中的“人员资格”。

第四十三条改为第四十一条，并删去第一款中的“办理原产地证明的申请人应当依法取得出入境检验检疫机构的注册登记。”

第四十八条改为第四十六条，并删去第一款、第三款中的“情节严重的，并撤销其报检注册登记、报检从业注册”。

第五十二条改为第五十条，并删去其中的“化妆品”。

第五十八条改为第五十六条，修改为：“代理报检企业、出入境快件运营企业违反国家有关规定，扰乱报检秩序的，由出入境检验检疫机构责令改正，没收违法所得，可以处10万元以下罚款，国家质检总局或者出入境检验检疫机构可以暂停其6个月以内代理报检业务。”

25. In paragraph 1 of Article 5, paragraph 1 of Article 6, item (14) of paragraph 2 of Article 8, and paragraph 1 of Article 11 of the Special Provisions of the State Council on the Prevention of Coal Mine Work Safety Accidents, “coal production permit” is deleted.
In item (13) of paragraph 2 of Article 8, “and coal production permit” is deleted.
In addition, the numbering of clauses of the above amended administrative regulations is adjusted accordingly.

二十五、删去《[国务院关于预防煤矿生产安全事故的特别规定](#)》[第五条](#)第一款、[第六条](#)第一款、[第八条](#)第二款第十四项、[第十一条](#)第一款中的“煤炭生产许可证”。

删去第八条第二款第十三项中的“和煤炭生产许可证”。

此外，对相关行政法规的条文顺序作了相应调整。

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