

## **Optimization of the Business Environment Regulations (Draft for Comment)**

### **Chapter I General Provisions**

**Article 1 [Legislative Purpose]** In order to continuously deepen the administration of decentralization, integrate management, optimize service reform, profoundly transform government functions, create a stable, fair, transparent and predictable business environment, release the whole society's innovative entrepreneurship and create kinetic energy, and stimulate market vitality. To promote high quality development and to enact these Regulations.

**Article 2 [Definition of Concepts]** The business environment referred to in these Regulations refers to the relevant external factors and conditions involved in the process of market access, production and operation, and withdrawal from the market by enterprises and other organizations and individuals engaged in production and business activities (hereinafter collectively referred to as market entities).

**Article 3 [Basic Principles]** Optimizing the business environment shall follow the principles of marketization, rule of law, and internationalization, and adhere to the equal rights of all market entities, equality of opportunity, equality of rules, open and transparent rules, fair and equitable supervision, and convenient and efficient services. To protect the legitimate rights and interests of various market entities in accordance with the law, to establish a unified and open, competitive and orderly modern market system, and to create a good development environment for all types of market entities to invest in the industry.

**Article 4 [Management Responsibilities]** The people's governments at all levels shall strengthen the organization and leadership of the work environment for optimizing the business environment within their respective administrative regions, coordinate, promote, guide, coordinate, and implement reforms related to optimizing the business environment, and coordinate and resolve major problems.

Relevant departments of the people's governments at all levels shall, in accordance with the division of responsibilities, do a good job in optimizing the business environment in relevant industries and fields.

**Article 5 [Encourage Reform]** The State encourages all regions and departments to explore innovative measures to optimize and optimize the business environment in accordance with the law. In the process of promoting the optimization of the business environment, the relevant units and individuals have made mistakes in their work and failed to achieve the expected goals, but they have not violated the mandatory provisions of laws and regulations, conformed to the reform direction, decision-making and implementation procedures determined by the state, and are diligent. Those who do their duty, do not seek personal gain, and do not harm the public interest shall be exempted from accountability according to law.

The people's governments at all levels and their relevant departments shall strengthen the propaganda and interpretation of policies and measures to optimize business environment, and summarize and promote typical experiences in a timely manner.

**Article 6 [Social Participation and Public Opinion Supervision]** Citizens, legal persons and other organizations have the right to participate in and supervise the construction of the business environment in accordance with the law, and have the right to reflect the situation or suggest opinions on optimizing the business environment.

The state supports the news media to conduct public opinion supervision on the business environment. The news media and its practitioners shall carry out news reports involving market entities, which shall

be true, comprehensive, objective and fair. They shall not compile and publish unverified information, and may not use news reports to seek illegitimate interests.

The people's governments at all levels and their relevant departments shall establish a public opinion collection and response mechanism to promptly investigate and deal with acts that damage the business environment and publicly investigate and process the results.

**Article 7 [Evaluation of Business Environment]** The State establishes a national unified standard business environment evaluation system, regularly conducts a national business environment assessment, promotes the continuous deepening of the business environment reform in various regions and departments, and promotes the formation of an optimized business environment good competition between regions.

Local people's governments at all levels and their relevant departments shall actively support and cooperate with the evaluation of the business environment throughout the country, and may not interfere with regulations or resort to fraud.

No organization or individual may evade the evaluation of the business environment in the name of state organs, and may not use the business environment evaluation to falsify and seek illegitimate interests.

## **Chapter II Market Subjects**

### **Section 1 - All types of market entities are treated equally**

**Article 8: [Market access]** A unified market access negative list shall be implemented nationwide. All market entities shall be allowed to access the sectors, fields and business that are not in the negative list on an equal footing in accordance with laws.

**Article 9: [Equal access to production factors]** The government shall ensure that market entities of all types of ownership can have access to production factors like human resources, funding, the land-use right and natural resources on an equal footing in accordance with law, and participate in fair market competition.

The government departments at all levels shall safeguard in accordance with laws equal treatment granted to market entities of all types of ownership and in all locations in terms of investment of government funding, supply of land, preferential policies, waiver of fees, licensing and certification, standard setting, project application, professional title appraisal, etc. It is forbidden to abuse administrative power to reduce or restrict competition.

**Article 10: [Invitation of tender, bidding and government procurement]** Invitation of tender, bidding and government procurement shall be carried out in an open, transparent and fair manner, during which market entities of all types of ownership and in all locations shall be treated as equals and shall not be restricted or excluded under unreasonable conditions. The government departments at all levels shall strengthen related regulation, and rectify and penalise violations in accordance with laws.

Local governments above the county level and their departments shall accelerate the promotion of digital transactions of public resources. In cases where transactions are accomplished digitally, market entities in principle shall not be requested to submit paper work.

Public resources transaction platforms of all levels shall disclose their transaction catalogues and information in accordance with laws and ensure all the market entities can timely receive relevant information and participate in transactions as equals.

## **Section 2 – Protection of the legitimate rights and interests of market entities**

**Article 11 [Protection of the right to self-management]** The State shall protect the right of market entities to independently carry out production and business activities in accordance with law, except as otherwise provided by laws and regulations, no unit or individual may interfere.

**Article 12 [Protection of Property Rights]** The State protects the property rights and other lawful rights and interests of all types of market-owned entities in accordance with the law. If there is a general illegal act in the market entity, administrative enforcement measures shall be taken cautiously in accordance with the law to minimize the adverse impact on the normal production and operation activities of the market participants.

**Article 13 [Protection of Intellectual Property Rights]** The State strengthens the protection of intellectual property rights, severely punishes criminal acts infringing intellectual property rights in accordance with the law, promotes the establishment of a punitive damages system for intellectual property infringement, and fully protects the legitimate rights and interests of intellectual property rights holders.

Relevant departments should establish and improve a diversified solution mechanism for intellectual property disputes and an intellectual property rights assistance mechanism, improve the rapid review of intellectual property rights, rapid confirmation of rights, and rapid rights protection mechanisms, and increase assistance for intellectual property protection of small and micro enterprises.

**Article 14 [Protection of Small and Medium Investors]** The State actively promotes the standardization of corporate governance, strengthens the protection of shareholders' rights and interests in accordance with the law, especially the protection of minority shareholders' rights and interests, and facilitates shareholders to protect their rights and interests in accordance with the law and enhance their enthusiasm for social investment. The people's governments at all levels and their relevant departments shall actively communicate and coordinate with the courts at all levels to strengthen the protection of the rights and interests of minority shareholders.

**Article 15 [Administrative Arrears of Enterprise Accounts]** Administrative agencies, institutions and enterprises with market superiority shall not default on the goods, engineering and service payments owed to SMEs. SMEs have the right to demand that the arrears pay the arrears and compensate for the losses caused by the arrears.

**Article 16 [Complete the dispute resolution mechanism]** The people's governments at all levels and their relevant departments shall integrate legal service resources such as lawyers, notaries, judicial appraisals, people's mediation, arbitration, etc., to provide legal consultation, legal aid and legal relief

services for market participants. Guide and help market entities to safeguard their rights in accordance with the law.

The people's governments at all levels and their relevant departments shall promote the establishment of a diversified solution mechanism for market disputes in mediation, administrative reconsideration, arbitration, litigation, and coordination. The act of refusing to perform the contract determined in accordance with the law shall be included in the credit record of the relevant market entity.

### **Chapter III - Market Environment**

#### **Section 1 - Production and operation facilitation**

**Article 17 [Enterprises]** The state implements a unified market entity registration system, regulates the market subject registration form review standards, improves the false registration and accountability mechanism, improves the efficiency of registration examination, and reduces and regulates the discretion of the registration authority.

The people's governments at all levels and their relevant departments shall simplify the handling of matters necessary for the market entities from the establishment to the general operating conditions, and compress the handling links and time. The people's governments at all levels and their relevant departments shall rely on the national unified identity authentication system and the electronic business license system to implement a single certification and network-wide operation to avoid repeated registration verification by market entities in different regions and departments.

**Article 18 [Approval of Investment Projects]** Complying with unified rules, the governments of all levels shall standardise preconditions for the approval of projects invested by the government and enterprises, disclosing planning and industrial policy related to the investment, and provide consultancy service. Enterprises-invested projects not included in the Catalogue of Investment Projects Subject to Government Verification and Approval shall be subject to record-filing.

**Article 19 [Approval for Construction Projects]** The people's government at or above the municipal level in the district shall prepare and publish a list of approval items for the construction of the project at the corresponding level in accordance with the national unified standards, and clarify the name, scope of application and preconditions of the approval items. , application materials and time limits for approval, and implement dynamic management.

The local people's government at or above the county level may implement a regional assessment system in development zones, industrial parks, new districts and other conditional areas established according to law. The government shall organize a unified assessment of the statutory assessment and evaluation items according to the region, and transfer or transfer the land. Before, inform the construction unit of the relevant construction requirements. Where a regional assessment has been implemented, the relevant departments may not require the market entity to repeatedly carry out relevant evaluations or evaluations and evaluate the evaluation costs when approving the construction projects. Except as otherwise provided by laws and regulations.

The relevant departments of the people's government at or above the county level shall implement joint inspection and acceptance of the special inspection and acceptance items for construction

projects, unify the completion acceptance drawings and acceptance criteria, and issue uniform inspection opinions.

**Article 20 [Registered Property]** The State implements a unified registration system for immovable property. The people's governments at all levels shall integrate and optimize the real estate registration process, strengthen departmental collaboration and information interconnection, reduce processing links, reduce processing time limits, and improve service efficiency.

The state promotes the establishment of a unified registration system for movable assets and rights guarantees and a registration platform for movable property mortgages, which facilitates the use of production equipment, raw materials, semi-finished products, products, motor vehicles and other movable assets, as well as accounts receivable and intellectual property rights for market financing.

**Article 21 [Cross-border Trade]** The relevant departments shall rely on the electronic port platform to promote information sharing and business synergy, and implement related services in the port and international trade fields through the "single window" of international trade to provide convenient ports for market participants. Customs clearance service. The people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall formulate and publicize the customs clearance procedures and time limits for port operation services, and publish a list of port charges.

The relevant departments shall strengthen the international mutual recognition cooperation of "certified operators" and provide relevant convenience measures for mutual recognition of enterprises.

Without laws and administrative regulations, no unit or individual may create import and export chain supervision certificates, and may not conduct audits in customs clearance.

**Article 22 [Bankruptcy]** The local people's government at or above the county level shall establish a unified coordination mechanism with the relevant people's courts for bankruptcy work, and coordinate the work of business coordination and information sharing in the bankruptcy proceedings.

**Article 23 [Corporate Change and Cancellation]** The relevant departments of the people's governments at all levels shall optimize the process of change and cancellation of enterprises, streamline the application materials, compress the processing time, and reduce the handling costs. If it meets the requirements for the absence of business activities or debts and debts after the establishment, it may be handled by the enterprise in accordance with the simple cancellation procedures.

## **Section 2 - Tax and fee processing**

**Article 24 [Taxpaying]** Tax authorities at all levels shall continually optimize tax payment services, streamline taxation information and procedures, simply report the number of tax payments, compress tax time, gradually implement online taxation throughout the entire process, and continuously expand the use of electronic invoices.

**Article 25 [Social Insurance Fees]** The State shall take into account the protection of the legitimate rights and interests of employees, enterprises, the level of economic and social development, and the income and expenditure of the fund. The social insurance premium rate shall be reasonably determined according to law, and the social insurance premium policy shall be unified and regulated.

**Article 26 [Regulations on Enterprise Fees]** The people's governments at all levels and their relevant departments and trade associations' chambers of commerce shall publicly disclose the administrative fees and charges, government funds, and administrative examination and approval agency fees and implementations of the enterprises involved in the implementation of the regulations in accordance with the regulations. A list of government-managed operating service charges. In addition to the list, administrative agencies, institutions, social organizations, enterprises, etc. shall not charge any fees for implementing administrative management and providing public services in accordance with the law.

No unit may set up administrative fees and charges without any legal procedures, and may not convert government administrative functions into paid operating services in any form. Where an administrative organ entrusts a public institution, social organization or other organization to engage in relevant management activities, it shall proceed by means of the government purchasing services, and shall not transfer the fees to the enterprise in any way.

The people's governments at all levels and their relevant departments shall introduce a competition mechanism for the service charge items that implement market-adjusted prices, strengthen industry management and industry self-discipline, guide the charging entities to operate in good faith, and rationally price; and charge fees for the implementation of government pricing or government-guided prices. For projects, the service costs should be strictly verified, service standards and prices should be established, and the main body of supervision should be strictly implemented.

It is strictly forbidden for the charging entity to raise the charging standard, expand the charging range or additional charges for the administrative service charges, government funds, government pricing or government-guided prices. It is strictly forbidden to force enterprises to sponsor donations, order newspapers, participate in training, and join the community in various ways. It is strictly forbidden for intermediary service agencies to use administrative resources to force fees and other actions.

No organization or individual may force or disguise the market entity to participate in the evaluation and recognition activities, and may not use the evaluation and compliance activities to charge the market participants or disguise the fees.

### **Section 3 - Public Utilities, Financing and Talent Services**

**Article 27 [Public Service]** Public utilities such as water supply, power supply, heat supply, gas supply, drainage and sewage treatment, communication, postal services, etc. shall disclose service standards, service procedures, time limits and tariff standards to the public in accordance with regulations. Such information shall provide safe, convenient, fast, stable and reasonably priced services to market entities, and shall not implement abuse of market dominance.

Public utilities such as water supply, power supply and gas supply shall optimize the approval process for the installation, streamline the application materials, compress the processing time, reduce the water and electricity access and use costs, and cooperate with the administrative authorities to clean up the unreasonable price increase for the power supply users. Additional charges and other behaviors. Areas with conditions should use the mobile Internet to provide comprehensive services such as online consultation, newspaper installation, inquiry, payment, and repair.

Relevant administrative agencies should optimize the administrative approval process for water and electricity access, reduce the time limit for examination and approval, establish and improve the information sharing mechanism with public utilities such as water supply, power supply and gas supply, and strengthen the management of intermediary services related to the reporting period.

**Article 28 [Financing Services]** The State guides financial institutions to increase support for private enterprises and small and micro enterprises, and provides targeted financial products and services. The state supports eligible private enterprises to expand the scale of direct financing, improve the stock issuance and refinancing system, support private enterprises to issue bonds, and encourage financial institutions to increase private enterprise bond investment.

The financial management department shall strengthen the guidance and supervision of financial institutions to support the work of private enterprises and small and micro enterprises.

Financial institutions shall maintain the same loan interest rates and loan conditions for all types of market entities under the same application conditions, and shall not set discriminatory provisions on loan approval for different ownership market entities.

Financial institutions shall regulate the charging behavior and shall not charge the service fees to the market entities in violation of regulations.

**Article 29 [Encourage Innovation and Entrepreneurship]** People's governments at all levels and their relevant departments shall respect, protect and encourage innovation, support market entities to carry out innovation and entrepreneurial activities, innovate science and technology financial services, increase investment in innovation through multiple channels, and promote the transformation and application of scientific and technological achievements. Encourage the development of business incubator and technology transfer and transformation service platform to reduce the cost of innovation and entrepreneurship.

**Article 30 [Talent Service]** The government shall establish a unified, standardized, competitive and orderly human resources market, break the division between urban and rural areas, regions and industries, eliminate identity and gender discrimination, and guide and promote the rational flow of talents.

The government shall simplify the application for foreigners to work in China, optimize the approval process, standardize the application standards, and protect the legitimate rights and interests of foreigners working in China according to laws.

The governments at all levels and their relevant departments shall respect the rules of market economy and talent growth, as well as the autonomy of various market entities in terms of personnel training, introduction, use, evaluation and incentives.

**Article 31 [Regulatory Industry Association Chamber of Commerce]** The market participants shall enjoy the right to join and withdraw from the Chamber of Commerce of the Association in accordance with the law. No unit or individual may compel or disguise the market entity to join or withdraw from the meeting.

The Chamber of Commerce of Industry Associations shall not identify disqualified qualifications, and shall not produce false certificates or reports, shall not interfere with the normal production and operation of market entities or disrupt market order, and shall not organize market entities to engage in monopolistic acts prohibited by laws and regulations, and shall not rely on acting as government functions. Or use administrative resources to set up charging items and raise the charging standards.

## **Chapter IV - Government Services**

### **Section 1 – Integration of online and offline services**

**Article 32 [Administrative Service Hall]** Where local people's governments at various levels have established comprehensive government service halls, in addition to special considerations such as safety and convenience, they should generally put all kinds of government affairs in their respective administrative areas into this level. The government service hall is handled in a unified manner. Encourage the central vertical management department to incorporate the government affairs services it implements into the local comprehensive government service hall.

The government service hall shall implement a window acceptance and back-office integration service in accordance with the working mode of “external reception at the front desk, approval of background classification, and delivery of integrated windows”.

The local people's governments at all levels shall promote the integration of the government service hall and the government service platform, integrate information systems, coordinate service resources, unify service standards, and provide various market-oriented and easy-to-use government services for market participants. For matters that have been handled at the government service halls at all levels, applicants may not be required to repeat the procedures on the government service platform.

**Article 33 [Government Service Platform]** The State shall establish a national integrated online government service platform based on the national government service platform as the general hub and the government service platform of the relevant departments of the State Council and the regional government service platforms. The people's governments at all levels shall rely on the national integrated online government service platform to integrate various online government service systems and promote the “one network through”. In addition to laws and regulations, or involving state secrets, government service matters shall be incorporated into the national integrated online government service platform.

The national government service platform is built to face the market and the masses of government services. Encourage qualified regions and departments to apply mobile Internet to provide convenient and acceptable government services for market participants.

**Article 34 [Government Service Data Sharing and Exchange]** The State shall establish a national unified and multi-level interconnected government service data sharing and exchange platform system, unify the types, standards, scope and processes of information sharing to achieve cross-level, inter-regional and cross-sectoral Systematic, cross-departmental, and cross-service data information is reliably exchanged and securely shared, and is open to the public in accordance with the law.

The people's governments at all levels and their relevant departments shall inquire and verify the market subject information through the national integrated online government service platform. The information already collected by the platform shall not require the applicant to submit the information repeatedly.

**Article 35 [Electronic seals and electronic certificates]** The State establishes an authoritative, standardized and credible unified electronic seal system. Relevant departments of the State Council, local people's governments and their relevant departments use the electronic seal issued by the national unified electronic seal system. The electronic seal has the same legal effect as the physical seal.

The state promotes the use of electronic licenses and other electronic certificates, electronic certificates, and electronic certificates to promote electronic licenses, electronic certificates, and electronic certificates across departments and regions. The electronic certificate, electronic certificate, electronic certificate and paper version have the same legal effect, and are the legal evidence for the market entity to obtain relevant qualifications.

Except as otherwise provided by laws and administrative regulations, electronic certificates, electronic certificates, electronic certificates, electronic seals or electronic materials signed with a reliable electronic signature in accordance with the Electronic Signature Law of the People's Republic of China may be used as administrative services

## **Section 2 – Improvement of the level of government service**

**Article 36 [Standardization of Administrative Service Matters]** The people's government at or above the county level and its relevant departments shall promote the standardization of administrative services and provide standardized, transparent and efficient government services for market entities. There is no legal, regulatory or regulatory basis, and no processing conditions or links may be added.

**Article 37 [Regulating Administrative Licensing and Filing]** The administrative licensing items set up according to law shall be subject to inventory management, and the name, setting basis, implementing agency, scope of implementation, licensing conditions, application materials, and licensing procedures shall be clearly defined item by item. , processing time limit, license validity period, charging situation, etc., and dynamically adjust the list. Outside the list, any administrative organ may not illegally implement an administrative license, and may not set up and implement an administrative license in disguised form in the form of filing, catalogue, planning, planning, registration, registration, annual inspection, annual report, supervision, certification, certification, and certification.

There is no legal, regulatory, or regulatory basis, or the information required to be collected can be obtained through government information sharing and voluntary collection by administrative agencies. The administrative agency may not set and implement the filing matters for market entities.

**Article 38 [Reformation of Relatively Centralized Administrative Permissions]** After fulfilling the procedures stipulated in Article 25 of the Administrative Licensing Law of the People's Republic of China and clarifying the division of labor between the examination and approval and supervision, the local people's governments at various levels shall follow the provincial level. The plan approved by the people's government concentrates part of the administrative license to one department. The administrative licensing decision made by the administrative organ that exercises the relative centralized administrative license has the legal effect, and the original competent department may no longer require the market entity to affix the seal of the department.

The administrative organ that exercises the relatively centralized administrative license shall accept the business guidance of the relevant departments of the higher-level people's government, implement the administrative license in the name of its own organs, be responsible for the results of the examination and approval, and do a good job of connecting with the administrative organs that perform the post-event supervision duties according to law.

**Article 39 [The Reform of "Separation of Licenses" and "Multiple Certificates"]** The State implements a unified social credit code system, and adopts direct cancellation of approvals, approvals, filings, implementation commitments, and optimization of access to business licenses. Reforms such as services, gradually integrate the licenses of enterprises, reduce the number of licenses related to enterprises, and improve the efficiency of administrative services.

The relevant departments of the State Council and the local people's governments at various levels shall integrate the business licenses of the general business projects involving information collection, record publicity, and management for inspection, and the enterprise licenses that meet the administrative management needs of the enterprise registration information, and no longer integrate them into the business license. Issue the integrated license. There is no legal or administrative statute, and no department may set up a business license.

**Article 40 [Reduce the license and facilitate the people]** The people's governments at all levels and their relevant departments shall have legal and regulatory basis for setting certification matters, and strengthen mutual recognition and sharing, and reduce unnecessary repeated evidence.

Proof not to be set for the following:

- (1) Natural laws and theorems, facts that are well known or can be presumed;
- (2) The facts ascertained by the court's effective judgment, the arbitration commission's effective arbitral award, and the notarization of the notary public;
- (3) Information generated by the relevant departments themselves or shared by the department through real-time access and verification;
- (4) The matter that can be proved by the applicant's existing license or can be covered by other materials.

The people's governments at all levels and their relevant departments shall publish a list of certification items retained in accordance with the law, list the basis for setting up, issue units, and guides for work, and gradually simplify the process and improve the efficiency of the application.

**Article 41 [Optimization of Service Process]** The people's governments at all levels and their relevant departments may implement administrative services such as administrative approvals that are required to be implemented by two or more departments at the same level within a certain period of time. Receipt and transfer of application materials, parallel approval of relevant departments, and separate approval methods for approval decisions. Except as expressly provided by laws and regulations, no unit may set the result of an administrative examination and approval item as a precondition for another administrative examination and approval item.

For administrative licensing items set up according to law, it is possible to correct actions that do not meet the conditions of administrative licensing through post-event supervision and without causing serious harms, and may implement the notification commitment system in accordance with relevant regulations, but not with laws and administrative regulations. The rules are in conflict.

If the administrative agency requires the applicant to provide proof, it can correct the false promised behavior through post-event supervision and will not cause serious harmful consequences. The administrative organ may decide to implement the notification commitment system.

The administrative organ shall notify the applicant in writing of the administrative licensing items and certification matters for the implementation of the notification commitment system, and provide the demonstration text of the letter of commitment in writing. Where the applicant voluntarily chooses to implement the notification commitment system, the administrative organ shall directly handle the administrative licensing and other related matters in accordance with the written commitment.

Except as stipulated by laws and regulations, the parties may handle the administrative registration change by holding the effective judgment of the content of the relevant change registration of the court. The registration agency may not require the parties to apply to the court for enforcement first. In relation to the registration of real estate, the content of the registration judgment has already been changed in the court's effective judgment. If the parties have not fulfilled the dispute or the content of the judgment is based on the content of the payment, such as the confirmation of the right, the registration institution shall directly handle the change registration.

**Article 42 [Approval of Service for Convenience]** If the application materials for administrative services submitted by the administrative counterpart are complete and conform to the statutory form, the administrative organ may make a decision on the spot, and shall make a written decision on the spot and gradually reduce the waiting time on the spot; If a written decision is made, the statutory acceptance conditions and the application materials are complete, in principle, the application shall be completed once; if the application materials are not complete, the content that needs to be corrected shall be notified at one time. Matters requiring on-site reconnaissance, professional technical review, brainstorming, expert argumentation, hearings, etc., should be arranged in a limited time.

The people's governments at all levels and their relevant departments shall authorize or entrust the township (town) people's government, sub-district office or village (residential) committee to handle

matters related to individuals and handle large-scale administrative affairs , the implementation of the nearest approach or acceptance.

The people's governments at all levels and their relevant departments shall implement a time-limited system for the affairs of government affairs, and clearly define the time limit and publish it in the acceptance window or platform. Where laws, regulations and rules stipulate the time limit for handling, they shall be settled within the statutory time limit; if there are no provisions in laws, regulations and rules, the time limit for handling shall be determined in accordance with the principle of reasonableness and efficiency, and shall be settled on time.

**Article 43 [Regulations for the examination and approval of intermediary services]** The people's governments at or above the county level shall standardize the administrative examination and approval intermediary service activities according to law, and compile and publish a list of administrative examination and approval intermediary service items. Intermediary services that are not included in the list shall not be accepted as conditions for administrative services such as administrative examination and approval. The administrative organ shall formulate and improve the norms and standards for intermediary services, and guide the supervision and intermediary service agencies to establish service commitments, time-limited completion, practice publicity, one-time notification, and practice records. The intermediary service agency shall clarify and publish information such as time limit, work flow, application conditions, and charging standards.

For the materials that can be prepared by the applicant as required, or entrusted by the relevant agencies, the examination and approval department should clearly explain in the service guide, and provide review points and model texts to guide the applicants to prepare relevant materials.

**Article 44 [Regulations of Intermediary Service Organizations]** Administrative agencies may not have affiliation or interest in association with intermediary service agencies. Except as otherwise stipulated by laws and administrative regulations, the institutions under the administrative examination and approval department, the social organizations in charge, and the enterprises they hold may not carry out intermediary services related to the administrative examination and approval of the departments.

Except as otherwise stipulated by laws and administrative regulations, the technical services entrusted by the administrative organs in the process of administrative examination and approval shall select the intermediary service agencies and pay the service fees through competition, and shall not increase or increase the burden of the applicants in disguise.

The people's governments at all levels and their relevant departments may not force market entities to accept intermediary services, and may not force the designation or disguised designation of intermediary service agencies, or limit the number of intermediary service agencies, and may not set illegal restrictions on intermediary service agencies between regions, industries and departments. .

### **Section 3 - Appeal Processing and Supervision Evaluation**

**Article 45 [Communication Mechanisms of Government and Enterprise]** The people's governments at all levels and their relevant departments shall establish a smooth and effective communication mechanism between government and enterprises, listen to the opinions and suggestions of market

entities, and timely understand and help solve the problems encountered in the production and operation activities of market entities. problem.

**Article 46 [Principles of Claims Processing]** The people's governments at all levels and their relevant departments shall establish a long-term mechanism for handling business environmental claims. The relevant departments shall promptly accept the complaints and reports concerning the business environment, and keep the complainant and the informant confidential in accordance with the law; after the complaints and reports are concluded, the complainant and the informant shall be notified in a timely manner.

**Article 47 [Government Service Supervision]** The people's governments at all levels and their relevant departments shall set up supervision windows or supervision platforms at the prominent positions of the government service halls and their own portals, actively listen to opinions and suggestions, and promptly provide feedback and accept social supervision.

**Article 48 [Evaluation of Administrative Service]** The local people's government at or above the county level and its relevant departments shall establish an evaluation system for administrative services, and include the evaluation of the service objects of the service objects in the performance appraisal of the relevant administrative organs and their internal institutions.

## **Chapter V – Regulatory Enforcement**

### **Section 1 – Implementation of regulatory responsibilities**

**Article 49 [Regulatory Responsibilities]** The people's governments at all levels and their relevant departments shall fully perform their post-event supervision duties.

In the process of fulfilling the duties of supervision and inspection of market entities, the administrative organ may, when necessary, make a request for assistance to other administrative agencies without affiliation, and the requested agency shall provide relevant assistance in a timely and responsible manner. Where the higher authorities of the requested agency have provisions for providing administrative assistance, the requested agency shall abide by relevant regulations.

**Article 50 [Comprehensive Supervision and Joint Inspection]** The people's governments at all levels shall coordinate the allocation of administrative law enforcement functions and law enforcement resources, and implement comprehensive measures in key areas such as market supervision, ecological environment protection, agriculture and rural areas, transportation, cultural markets, and urban management. Regulate law enforcement, reduce the main body and level of law enforcement, integrate and streamline law enforcement teams, strengthen grassroots supervision and improve grassroots law enforcement capabilities.

Where a number of inspection items of the same inspection object can be consolidated or jointly implemented by the relevant departments, they shall be merged or jointly implemented to reduce the impact on the production and operation activities of the market entities.

**Article 51 [Inclusive and Prudent Supervision]** The State shall, in accordance with the principles of encouraging innovation and inclusiveness, identify the regulatory methods and standards in accordance with the principles of encouraging innovation and inclusiveness, and protect innovation while complying with the law. The bottom line of safety and quality, timely guiding or disposing of problems, promoting the healthy development of regulations, and strictly prohibiting the implementation of illegal activities in the name of innovation.

## **Section 2 -Innovative Supervision Approach**

**Article 52 ["Double-random, one-open" supervision]** In addition to special key areas, the daily supervision field shall, in principle, implement random inspection of the object of inspection during the supervision process, random selection of law enforcement inspectors, and random inspection results to be disclosed to the public in a timely manner. "Double random, open" regulatory model.

**Article 53 [Key Supervision]** For special key areas directly related to public safety and people's life and health, quality and safety management and risk monitoring shall be strengthened throughout the whole process, and a full-coverage key supervision mode shall be implemented in accordance with the law. Targeted inspections should be conducted on specific issues found through complaints and reports, data monitoring, etc. Local people's governments at all levels shall strictly control the number of key regulatory matters and standardize key supervision procedures.

**Article 54 [Credit Supervision]** The government shall establish a credit-based supervision mechanism. The administrative organ shall adopt differentiated classification and supervision measures for the supervision targets of different risk levels and credit levels, and reasonably determine and dynamically adjust the proportion and frequency of spot checks. For those who are honest and law-abiding and have low risk, the proportion and frequency of random inspections should be appropriately reduced; for those who are untrustworthy and have higher risks, the proportion and frequency of random inspections should be appropriately increased.

The governments at all levels and their relevant departments shall guide market entities to carry out production and business activities in accordance with laws, abide by social morality, business ethics, be honest and trustworthy, and fulfil their social responsibilities. For the dishonest entities that seriously undermine the fair competition order of the market and the normal order of society, the relevant departments shall implement joint punishment in accordance with laws. If the untrustworthy entity corrects the act of dishonesty within the prescribed time limit, eliminates the adverse effects and completes the credit repair according to the regulations, it will no longer be subject to joint punishment.

The government shall establish authoritative, unified, and accessible credit records of market entities in accordance with laws, and strengthens information connectivity and sharing. The local governments at all levels and their relevant departments shall, in accordance with the national unified standards and norms, timely publicize and share the credit information of market entities in accordance with laws.

**Article 55 ["Internet + Supervision"]** The state establishes a unified "Internet + supervision" system, and the supervision matters, setting basis, supervision process, supervision results, and regulatory actions of the people's governments at all levels and their relevant departments shall be included. The

system promotes the sharing of regulatory information across departments and regions, achieving full coverage of regulatory matters, full recording of regulatory processes, and regulatory risks.

### **Section 3 – Standards for Law Enforcement Behavior**

**Article 56 [Standards of Administrative Law Enforcement]** The administrative organs shall carry out administrative law enforcement with clear facts, conclusive evidence, complete procedures, legal procedures, accurate and correct treatment. The administrative organ shall publicly and promptly disclose the main body of administrative law enforcement, personnel, duties, powers, basis, procedures, relief channels, and random check items.

Administrative law enforcement personnel shall take the initiative to produce administrative law enforcement certificates when conducting administrative inspections on market entities. If they do not produce administrative law enforcement certificates, market entities have the right to refuse to accept inspections. After the administrative inspection is over, a written decision or conclusion shall be made to the object under inspection. The implementation of administrative inspections shall not unlawfully obstruct the normal production and business activities of market entities, and may not request or accept property or obtain illegal interests.

Before an administrative organ makes a major administrative law enforcement decision, it shall strictly conduct a legal review. If the legal system has not been approved or the audit has not been passed, no decision may be made.

**Article 57 [Regulations on Discretion]** The executive organ's exercise of discretion shall be in accordance with the purpose of the law, be reasonable, and exclude interference from unrelated factors. The measures and means adopted shall be necessary and appropriate, and shall be stated in the administrative law enforcement decision. reason.

## **Chapter VI - Legal Protection**

### **Section 1 - Policy Formulation and Implementation**

**Article 58 [Policy Formulation]** The people's governments at all levels and their relevant departments shall formulate rules and normative documents. Without legal or regulatory basis, they shall not derogate from the legitimate rights and interests of market entities or increase their obligations, and may not set market access and exit conditions. It shall not interfere with the normal production and operation activities of the market entities.

The administrative organs shall formulate rules and normative documents that have a significant impact on the immediate interests or rights and obligations of market entities, and shall fully listen to the opinions of market entities, trade associations and trade associations. In addition to the need for confidentiality in accordance with the law, normative documents that have significant influence on regulations and the rights and obligations of market entities shall be openly solicited for comments through the Internet and newspapers.

When an administrative organ formulates regulations, normative documents and other policy documents concerning market economic activities such as market access, industrial development, investment attraction, bidding, government procurement, business conduct norms, and qualification

standards, it shall conduct fair competition review and evaluation. The impact on market competition, to prevent exclusion and limit market competition. If it is unexamined or has been examined and has the effect of eliminating or restricting competition, it will not be submitted or submitted for consideration.

The people's governments at all levels and their relevant departments shall establish a legality review mechanism for normative documents, and the departments, agencies or personnel responsible for the legality review shall conduct a unified review of the normative documents. Normative documents that have not been examined for legality or that are not legally reviewed shall not be submitted for collective review.

The people's governments at all levels shall establish an overall coordination mechanism for the formulation and release of regulations, normative documents and other policy documents, combine the overall situation of economic and social development, scientifically design the system, reasonably grasp the rhythm of the introduction, comprehensively evaluate the policy effects, and avoid conflicts between them. Or policy superposition has a negative impact on the normal production and operation activities of market participants.

The administrative organ shall maintain the continuous stability of laws and regulations, and formulate or revise regulations and normative documents. In addition to special emergency situations, reasonable time shall be reserved after publication so that the market participants can perform relevant preparatory work.

**Article 59 [Regulatory Policy Announcement and Interpretation Consultation]** The administrative organ shall promptly pass the laws, regulations, rules and normative documents executed and formulated by this organ through government gazettes, government portals, government service halls, government affairs new media, etc. channels are open to the public.

The people's governments at all levels shall, according to the government portal website of this level, centrally publish the regulations and normative documents issued by the government at the same level and its relevant departments, especially the various preferential policies involving market entities, and provide convenient and free online search services. . Regulations and normative documents that have not been publicly released shall not be used as an administrative basis.

For administrative regulations, rules and regulatory documents concerning the rights and obligations of market entities, the administrative organ shall simultaneously conduct propaganda and interpretation at the time of publication to improve the awareness of market entities on laws and regulations.

The administrative organ shall establish a consultation and answering mechanism for laws and regulations, and receive government, portals, government service platforms, and government service hotlines, etc., to receive citizens, legal persons, and other organizations to submit their rights and interests through the Internet, by mail, by telephone, or in person. Consult the application and give an answer within a time limit.

**Article 60 [Policy Evaluation and Clearance]** The people's governments at all levels and their relevant departments shall establish regular evaluation and clean-up systems for regulations and normative documents, and the results of the evaluation shall be an important reference for the revision and abolition of relevant regulations and normative documents. Any violation of the provisions of the upper law, conflicts between them, obstructing fair competition in the market, and infringing the legitimate rights and interests of market entities shall be amended or abolished in a timely manner.

**Article 61 [Political Integrity]** The people's governments at all levels and their relevant departments shall make policy commitments to the market entities in strict accordance with the law, and shall not promise the preferential conditions for violations of laws and regulations; as civil entities, they shall exercise their rights and performance equally when participating in civil activities. Obligation and responsibility.

The people's governments at all levels and their relevant departments shall conscientiously perform the policy commitments and contracts and agreements signed according to law, and may not default on the grounds of government change, department or personnel turnover, and policy adjustment. If it is necessary to change policy commitments and contractual agreements due to national interests, public interests or other legal reasons, it shall be carried out in strict accordance with the statutory authority and procedures, and fair and reasonable compensation shall be made according to law for the property losses of the relevant market entities.

## **Section 2 - Legal Liability**

**Article 62 [Government Responsibilities]** The people's governments at all levels and their relevant departments and staff members are subject to judicial judgment, administrative punishment, disciplinary action, and accountability for breach of contract and breach of contract in the course of performance of their duties. Relevant information it should be included in the record of government breach of trust. The main responsible person responsible for the act of dishonesty for government affairs shall be held accountable according to law.

The people's governments at all levels and their relevant departments shall not perform their duties of optimizing the business environment. In any of the following circumstances, the higher authorities shall order them to make corrections; if the circumstances are serious, the responsible leaders and directly responsible personnel shall be given disciplinary sanctions according to law; Investigate criminal responsibility according to law:

(1) Refusing, shirking or delaying the performance of statutory duties;

(2) illegally restricting the entry or withdrawal of market entities, illegally interfering with market entities to independently carry out production and business activities, equal access to production factors, illegally infringing on market property rights and other legitimate rights and interests, and defaulting on the accounts of enterprises;

(3) Prohibiting or restricting market entities of different ownership systems or different regions from engaging in local production and business activities, participating in bidding and bidding, and government procurement, prohibiting and restricting the entry of foreign goods and services into the local market, and abusing administrative power to exclude or restrict competition;

- (4) charging unreasonable expenses to the market entity for compulsory or disguised form, setting up charging items in violation of regulations, raising the charging standard, expanding the charging range or additional charges, converting the government administrative functions into paid operating services, or it shall be borne by the administrative organs themselves. The cost is passed on to the market entity;
- (5) Establishing and implementing administrative licenses, filings, licenses, and certifications for market entities in violation of regulations, setting conditions for handling government service matters, application materials, and handling procedures in violation of regulations, violating statutory procedures or failing to settle within the time limit for processing ;
- (6) Setting up administrative examination and approval intermediary services in violation of the regulations, allowing organizations with affiliation or interest associations to carry out intermediary services for market subject fees related to administrative examination and approval of the department, forcing market entities to accept intermediary services, mandatory designation or disguised designation. The number of intermediary service agencies, the number of intermediary management agencies, and the illegal restrictions on the establishment of intermediary service agencies;
- (7) Failure to deal with complaints and report matters in a timely manner, leaking information of the complainant and the informant, and retaliating against the complainant or the reporter;
- (8) Providing relevant administrative assistance requests to other administrative organs without prompt and due diligence to provide relevant assistance;
- (9) Failure to carry out administrative law enforcement in accordance with regulations, which hinders the normal operation of market entities;
- (10) When applying for administrative examination and approval and administrative inspection, claiming or accepting property and seeking illegal interests;
- (11) Failure to implement the system of fair competition review and legality review, and issue regulations, normative documents and other policy documents that exclude or restrict competition or illegal activities;
- (12) making a policy commitment to the market subject that violates relevant laws, regulations or beyond its statutory authority, or changes the commitments without legal procedures;
- (13) Failure to perform, incompletely perform or unilaterally require the execution of relevant contracts and agreements signed with the market entity in a specific manner;
- (14) Other circumstances that should be investigated for responsibility in accordance with relevant state regulations.

**Article 63 [Industrial Association Chamber of Commerce Responsibilities]** If one of the following acts is performed by an industry association, the relevant department shall give a warning according to the division of responsibilities, order it to be corrected within a time limit, may stop its activities, and order the removal of the directly responsible person; If it is confiscated, it may be imposed a fine of three times or more and five times less than the illegal income; if the circumstances are serious, it shall be revoked; if it constitutes a crime, criminal responsibility shall be investigated according to law:

- (1) Identifying the disguised qualifications that have been cancelled by the relevant departments;
- (2) collecting fees in violation of regulations, issuing false certificates or reports, seeking improper interests, and disrupting market order;
- (3) Forcibly or disguisedly compelling the market entity to join or withdraw from the meeting without the authorization of laws and administrative regulations;
- (4) arbitrarily setting up charging items, raising charging standards, compulsory services and charging by means of acting as government functions or using administrative resources;
- (5) Other acts that infringe upon the legitimate rights and interests of market entities.

Where the law provides otherwise, it shall be prescribed.

**Article 64 [Intermediary Service Agency Responsibilities]** If an intermediary service agency violates the provisions of these Regulations, collects fees, issues false certificates or reports, seeks improper benefits, or disrupts market order, the relevant departments shall warn and order corrections within a time limit; if it is not corrected or the circumstances are serious, it shall notify the illegal act and prohibit it from practising in the relevant administrative region within a time limit; if the circumstances are particularly serious, the business license shall be revoked according to law and the corresponding civil liability shall be revoked; if it is suspected of committing a crime, it shall be transferred to the judicial organ for handling according to law.

**Article 65 [Responsibilities of Public Utilities]** If a public utility enterprise violates the provisions of these Regulations and damages the business environment, the relevant departments shall impose administrative penalties in accordance with relevant laws and regulations, record them in credit records, and publicize them according to law. If the circumstances are serious, the person in charge of the enterprise and the person directly responsible shall be given disciplinary sanctions according to law.

**Article 66 [Compulsory Subsistence System for Market Subjects]** For the submission of false materials to defraud registration, fraudulent use of other people's ID cards for false registration, contact with unregistered residences, long-term revocation without cancellation, listing on serious illegal and untrustworthy enterprises and illegal The market is more serious, using simple cancellation procedures to escape debt and other illegal and untrustworthy market entities, and cannot continue to meet production licenses, safe production conditions or market entities that do not have production licenses, safe production capacity, and market entities with serious quality and safety accidents. The mandatory withdrawal shall be implemented in accordance with the statutory procedures, and the relevant market shall not be re-entered within three years. The legal representative and the responsible person shall not be the legal representatives or responsible persons of other enterprises within three years.

## **Chapter VII - Supplementary Provisions**

**Article 67 [Special Applicable Situations]** Organizations that have functions of managing public affairs authorized by laws and regulations shall apply the provisions of these Regulations concerning administrative organs.

**Article 68 [Date of Implementation]** These Regulations shall come into force on the day of 2019.