



Guiding Opinions of Various Departments on Strengthening the Construction of Credit System in the Field of Foreign Economic Cooperation

2017-11-29 08:20 Source: Development and Reform Commission website [font: large, medium and small] Print

Guiding Opinions on Strengthening the Construction of the Credit System in the Field of Foreign Economic Cooperation, Development and Reform of Foreign Investment (2017) No. 1893

Relevant departments and institutions of all provinces, autonomous regions, municipalities directly under the Central Government and Xinjiang Production and Construction Corps:

Opening to the outside world is my country's basic state policy. Under the unified deployment and leadership of the CPC Central Committee and the State Council, foreign economic cooperation has steadily advanced. Through the "Belt and Road" construction and foreign economic cooperation, my country's industrial layout has been continuously optimized, products, talents, technologies, standards and culture have made great strides in "going out". development, so as to achieve mutual benefit, win-win, inclusiveness and sharing. According to the "Notice of the State Council on Printing and Distributing the Outline of the Social Credit System Construction Plan (2014-2020)" (Guo Fa [2014] No. 21) and the "Guidelines of the State Council on Establishing and Improving the System of Joint Incentives for Trustworthy and Joint Punishment for Untrustworthiness to Accelerate the Construction of Social Credit" Opinions (Guo Fa [2016] No. 33), in order to strengthen the construction of the credit system in the field of foreign economic cooperation, standardize the order of foreign economic cooperation, improve the integrity awareness of participants in the field of foreign economic cooperation, and create a good environment for foreign economic cooperation, hereby proposed Opinions below.

I. The Importance of Strengthening the Construction of the Credit System in the Field of Foreign Economic Cooperation

Establishing and improving a credit system in which enterprises perform their main responsibilities, the government supervises in accordance with the law, and the society participates extensively is conducive to effectively safeguarding national interests, reputation, and safety in opening up to the outside world, effectively regulating the behavior and market order of participants in foreign economic cooperation, and creating a law-abiding, cooperative The environment for foreign economic cooperation with regulations, quality, integrity, fairness and openness, and orderly competition can effectively improve the integrity awareness of foreign economic cooperation participants, improve the level of foreign economic cooperation, and establish a good image.

2. General requirements

Fully implement the spirit of the 19th National Congress of the Communist Party of China, follow the guidance of Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era, and in accordance with the overall requirements of the Party Central Committee and the State Council for the establishment of a credit system, accelerate the construction of credit records in the field of foreign economic cooperation, and promote the sharing and application of credit information. Establish a joint punishment mechanism for dishonesty to effectively regulate the order of foreign economic cooperation and the behavior of participants.

Establish and improve rules for the collection and sharing of credit information in the field of foreign economic cooperation, strictly protect organizational and individual privacy and information security, and promote the disclosure and application of credit information in accordance with laws and regulations. Encourage the development of credit products in the field of foreign economic cooperation, use credit information and credit products, and promote the implementation of joint punishments for dishonesty, benefiting those who keep promises, and restricting those who fail to do so, and strengthen negative punishments.

In the field of foreign economic cooperation, focus on foreign investment, foreign contracted projects, foreign labor service cooperation, foreign trade, and foreign financial cooperation, and strengthen the construction of foreign economic cooperation credit records. Relying on the national credit information sharing platform and the national enterprise credit information publicity system, gradually realize the collection, processing, publicity and application of credit information.

3. Accelerate the construction of credit records for foreign economic cooperation

For foreign economic cooperation entities and relevant responsible persons who implement the “Belt and Road” construction, international production capacity cooperation, and participate in the implementation of infrastructure connectivity, unimpeded trade, and financial integration, if there is any violation of domestic and cooperating countries and regions relevant laws and regulations, as well as violations of international Conventions, United Nations resolutions, disrupting the order of foreign economic cooperation and causing serious adverse effects on the promotion of the “Belt and Road” construction, jeopardizing the reputation and interests of our country, etc., the relevant competent departments will record the untrustworthy subjects, responsible and untrustworthy behaviors in the credit records.

(1) Establishing credit records of foreign investment and cooperation entities

Foreign investment entities and relevant responsible persons, if they violate relevant laws and regulations of domestic and cooperating countries and regions, international conventions and United Nations resolutions, fail to go through the approval procedures in accordance with relevant regulations, make false investments, and fabricate forged project information to defraud the competent national authorities for approval or filing Documents and foreign exchange registration for overseas investment, etc., defrauding funds, purchasing foreign exchange and remittance of funds, refusing to perform the obligation of statistical declaration of foreign investment or making false declarations or refusing to register the stock rights and interests of overseas direct investment, and illegally withdrawing the profits and capital that should be transferred back For acts such as funds stranded abroad, vicious competition, disrupting the order of foreign economic cooperation, and causing serious adverse effects on the outside world, jeopardizing the reputation and interests of our country, etc., the relevant competent departments will record the untrustworthy subjects, responsible persons, and untrustworthy acts in their credit records.

(2) Establishing credit records of foreign contracted projects and foreign labor service cooperation entities

Foreign contracted projects, foreign labor service cooperation subjects and relevant responsible persons, such as violations of relevant laws and regulations of domestic and cooperative countries and regions, violations of international conventions, United Nations resolutions, false bidding, bid rigging, fraudulent loan and foreign exchange, project quality, safety Production does not meet relevant standards, fails to timely and fully pay the reserve fund for dispatched labor, illegal dispatching and illegal dispatching, infringing upon the legitimate rights and interests of laborers, refusing to perform the obligation of statistical declaration of foreign contracted projects and foreign labor cooperation, or making false declarations, Vicious

competition, disrupting the order of foreign economic cooperation, and causing serious adverse effects on the outside world, jeopardizing the reputation and interests of our country, etc., the relevant competent authorities will record the untrustworthy subject, responsible person, and untrustworthy behavior in the credit record.

(3) Establishing credit records of foreign financial partners

Violation of relevant laws and regulations of domestic and cooperative countries and regions, violation of international conventions, United Nations resolutions, use of exaggerated, fabricated and false information to impact the RMB exchange rate, violation of the obligation to declare the balance of payments statistics or failure to declare the balance of payments as required, and the circumstances are serious. , illegal cross-border capital flow, money laundering, tax evasion, illegal financing, illegal securities and futures activities, financing for violent terrorist, separatist sabotage, infiltration and subversion activities, disrupting the order of foreign economic cooperation, and causing serious adverse external effects, jeopardizing the reputation and interests of our country, etc. The relevant competent department will record the untrustworthy subject, the responsible person and the untrustworthy behavior in the credit record.

(4) Establishing credit records of foreign trade entities

Violating relevant laws and regulations of domestic and cooperating countries and regions, as well as international conventions and United Nations resolutions, selling fake and shoddy products, illegally buying and selling foreign exchange through false trade, defrauding loans, defrauding taxes, defrauding foreign exchange, money laundering, arbitrage, fabricating false performance, or The quality and safety of the products of the enterprise cause major harm and loss to the society and import and export trade, disrupt the order of foreign economic cooperation, cause serious adverse effects on the outside world, and endanger the reputation and interests of our country. The behavior is recorded in the credit history.

(5) Encourage all sectors of society to participate in the construction of credit records

Encourage relevant government departments, enterprises and institutions, industry associations, and social credit service agencies to strengthen cooperation, and the extensive participation of forces from all walks of life to form a joint force in credit construction in the field of foreign economic cooperation. Encourage industry organizations and social credit service agencies to actively participate in the establishment of credit records, and collect and sort out information on untrustworthiness of various entities in the field of foreign economic cooperation through various channels in accordance with laws and regulations. Encourage the general public to truthfully report relevant dishonest behaviors.

4. Accelerate the application of credit information sharing in the field of foreign economic cooperation

Foreign economic cooperation credit information includes basic information on enterprises, basic information on foreign economic cooperation, information on untrustworthy conduct such as violations of laws and regulations that cause serious adverse effects, and information on relevant penalties.

In accordance with the principles of territorial and industry-oriented management, all relevant departments and localities regularly push the relevant credit information about untrustworthy subjects of foreign economic cooperation collected within the scope of their respective management responsibilities to the national credit information sharing platform. The sharing platform dynamically updates the credit records of relevant subjects and responsible persons for untrustworthy conduct in a timely manner, and provides relevant departments and units with credit information on relevant subjects and responsible persons for foreign economic cooperation in accordance with relevant regulations. At the same time, it will be announced to the public on the websites of the National Development and Reform Commission, the Ministry of Commerce, the People's Bank of China and relevant business authorities, the National Enterprise Credit Information Publicity System, and the "Credit China" website.

Credit information held by relevant departments that can be disclosed to the public in accordance with the law shall be announced through the department's website in a timely manner, and proactively pushed to the

national enterprise credit information publicity system and the "Credit China" website. Actively coordinating relevant Internet news information service units to promptly release to the public the credit information of relevant subjects and responsible persons for untrustworthy conduct that can be disclosed in accordance with laws and regulations, and continuously expand the public awareness of credit information.

V. Establishment of Dishonesty Punishment Mechanisms in the Field of Foreign Economic Cooperation

Relevant departments will implement joint disciplinary action against seriously untrustworthy entities in accordance with laws and regulations by signing a memorandum of cooperation on joint punishment of untrustworthy conduct in the field of foreign economic cooperation.

Encourage all kinds of social institutions and corporate legal persons to adopt market-oriented means in accordance with laws, regulations and rules, and take restrictive measures against untrustworthy enterprises in terms of credit guarantees, insurance rates, bidding and procurement, etc., and strengthen the effect of joint disciplinary action against untrustworthy enterprises.

6. Mechanism guarantee

(1) Guidance and coordination mechanism

In the inter-ministerial joint meeting mechanism of the State Council's "going out" work, strengthen the guidance and coordination of the construction of the credit system in the field of foreign economic cooperation. All relevant departments and localities should attach great importance to study and formulate disciplinary measures for untrustworthy behaviors, and actively implement various policy measures.

(2) Repair mechanism

Develop objection and appeal procedures for credit information subjects to protect the legitimate rights and interests of credit information subjects. Establish credit information error correction and restoration mechanisms, clarify the time limit for various types of credit information, and the time limit for punishment for dishonesty, smooth the channels for use restoration, and enrich credit information restoration methods.

(3) Collection and query mechanism

Relevant government departments, industry associations, and social credit service agencies must strictly abide by the relevant regulations, establish and improve rules and regulations to ensure the security of credit information, and strictly enforce the authority and procedures for the collection, inquiry, and use of credit information.

(4) Notification mechanism

Establish a regular reporting mechanism for the effects of punishment in the field of foreign economic cooperation, and all departments regularly report the implementation of joint punishment to the National Development and Reform Commission, the Ministry of Commerce, the People's Bank of China, the Ministry of Foreign Affairs and other relevant departments through the national credit information sharing platform.

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of China Ministry of Commerce
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Affairs Central

Organization Department General Administration of Quality Supervision, Inspection and Quarantine, General Administration of Food and Drug Administration, General Administration of Work Safety, Bureau of Statistics, Bureau of Statistics, China Banking Regulatory Commission, China Securities Regulatory Commission, Insurance Regulatory Commission, Energy Bureau, Foreign Exchange Bureau October 31, 2017