



## Economic and Commercial Section of the Embassy of the People's Republic of China in the Republic of Madagascar ()

Bureau de l'Économie et du Commerce de l'Ambassade de la République Populaire de Chine en République de Madagascar

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### The Ministry of Commerce issued the Detailed Rules for the Supervision of "Double Random and One Disclosure" of Foreign Investment and Cooperation (for Trial Implementation)

In order to standardize the conduct of outbound investment and cooperation in-process and ex-post supervision and guide enterprises to carry out outbound investment cooperation in a healthy and orderly manner, in accordance with the "Notice of the General Office of the State Council on Promoting Random Inspections to Standardize Interim and Ex-post Supervision" (Guo Ban Fa [2015] No. 58) and "Key Points of Promoting Streamlining Administration, Delegating Powers, Delegating Regulations and Optimizing Service Reforms in 2016 (Guo Fa [2016] No. 30) is a requirement for comprehensively promoting the supervision of "dual randomization and one disclosure". The "Detailed Regulations for Supervision (for Trial Implementation)" were published and issued on October 26, 2017. The full text is as follows:

#### **Detailed Rules for the Supervision of "Double Random and One Disclosure" for Foreign Investment and Cooperation (for Trial Implementation)**

Article 1 In order to deepen the reform of the management system of foreign investment and cooperation, further standardize the supervision of foreign investment and cooperation during and after the event, and fully implement the work of "double randomization and one disclosure", in accordance with the "Regulations on the Administration of Foreign Contracted Projects" (State Council Order No. 527), These detailed rules are formulated in accordance with relevant regulations such as the Regulations on the Administration of Foreign Labor Cooperation (Order No.

Article 2 The Ministry of Commerce is responsible for the supervision and inspection of foreign investment and cooperation activities across the country. The competent commerce departments of all provinces, autonomous regions, municipalities directly under the Central Government, cities under separate state planning, and Xinjiang Production and Construction Corps (hereinafter referred to as the provincial commerce departments) are responsible for the supervision and inspection of foreign investment and cooperation activities in their respective regions. These detailed rules shall apply when the Ministry of Commerce and provincial commerce departments carry out supervision and inspection of foreign investment and cooperation activities.

Article 3 The "double random, one open" work mentioned in these Detailed Rules means that when the Ministry of Commerce and the provincial commerce department carry out the supervision and inspection of foreign investment cooperation, randomly select inspection objects, randomly select law enforcement inspectors, and conduct public inspections in a timely manner. situation and findings.

Article 4 The Ministry of Commerce and the provincial-level commerce departments shall adhere to the principles of law and regulation, fairness, efficiency, openness and transparency in carrying out the work of "double randomness and one disclosure".

Article 5 The Ministry of Commerce and the provincial commerce department carry out the "double random, one open" work to implement the whole process of electronic management, so as to leave traces in the whole process of inspection work. The Ministry of Commerce has established a "double random, one public" subsystem (hereinafter referred to as the system) in the "Going Out" public service platform (website: <http://fec.mofcom.gov.cn>). The system includes a directory database of law enforcement inspectors and a directory database of inspection objects.

Article 6 Law enforcement inspectors are, in principle, officially staffed by the Ministry of Commerce and the provincial-level commerce department, and are mainly those in charge of foreign investment and cooperation. The Ministry of Commerce and the provincial commerce department are respectively responsible for the entry and maintenance of the information of their respective law enforcement inspectors, and adjust dynamically according to the changes.

Article 7 The inspection objects are determined in accordance with the principle of hierarchical management. The inspection objects are: overseas enterprises that have been established on record or approved after the implementation of the Measures for the Administration of Overseas Investment on October 6, 2014; overseas contracted projects carried out after the implementation of the Regulations on the Administration of Overseas Contracted Projects on September 1, 2008; After the implementation of the "Regulations on Foreign Labor Service Cooperation" on August 10, 2012, enterprises in the whole country have the qualifications for foreign labor service cooperation. The Ministry of Commerce is responsible for information entry and maintenance, and dynamically adjusts it according to changes.

Article 8 The Ministry of Commerce shall, according to the revision of laws, regulations and rules and the actual work, formulate and dynamically adjust the list of random inspection items for foreign investment and cooperation (see attachment), and publish it to the public through the system in a timely manner. The Ministry of Commerce and the provincial-level commerce authorities shall, in accordance with the list of random inspection items, conduct inspections on the foreign investment and cooperation activities of enterprises in accordance with the law.

Article 9 Before conducting inspections, the Ministry of Commerce and provincial commerce departments shall randomly select inspectors from the directory database of law enforcement inspectors in the system, and select enterprises or projects under inspection from the directory database of inspection objects, and the extraction process shall be recorded in the whole process of the system.

Article 10 The Ministry of Commerce and provincial commerce departments may reasonably determine the frequency and proportion of random inspections based on the actual situation of foreign investment and cooperation management. In principle, the frequency of random inspections shall not be less than once every six months, and may be adjusted appropriately according to work needs. For each random inspection, overseas enterprises shall be selected according to no less than 1% of the total number in the inspection object directory; foreign contracted projects shall be selected in accordance with no less than 1% of the total number in the inspection object directory; the principle of foreign labor cooperation enterprises Extracted according to not less than 3% of the total number in the inspection object directory library. The Ministry of Commerce and provincial commerce authorities may appropriately adjust the proportion of random inspections as needed. In order to improve the coverage of random inspections and

avoid repeated random inspections, all enterprises and projects that have been inspected and marked as qualified in the system without any changes will be counted from the time of inspection, and in principle, they will not be repeated within 2 years. spot check.

Article 11 The Ministry of Commerce and the provincial-level commerce department may take targeted random inspections in light of their work needs, and may randomly select for inspections within the scope of selected industries, types, regions, scale enterprises and projects.

Article 12 The Ministry of Commerce and the competent department of the Ministry of Commerce at the provincial level carry out "dual random" spot checks. The number of law enforcement inspectors shall be determined according to the needs of the inspection work, and there shall be no less than three law enforcement inspectors in the same inspection group (including three). The inspection work implements the team leader responsibility system. If it is really impossible to participate in the random inspection due to work needs, relevant personnel can be randomly selected from the directory of law enforcement inspectors to make up. In view of the strong professionalism of inspection work, it is necessary to strengthen professional training and job rotation for inspectors.

Article 13 "Double random" random inspections are usually carried out by means of questionnaires and letters and written review. When necessary, the inspection team can conduct on-site inspections. At the same time, the inspection team can check the relevant situation with the business institutions of embassies (consulates) abroad through appropriate means. The enterprises and projects under inspection shall cooperate and provide relevant documents and materials as required.

Article 14 After each random inspection is completed, the inspection team shall compile an inspection report. The inspection report shall include the time of the random inspection, the contents of the random inspection, the situation of the random inspection, the problems found, the relevant evidence, and the handling opinions and suggestions. After the inspection report is completed, the inspection team shall feed back the inspection results to the inspected object through the system and publish the inspection results on the system. After receiving the feedback inspection results, the inspected object can give feedback and suggestions through the system.

Article 15 If any unit or individual has any objection to the published inspection result information, it may submit an objection to the Ministry of Commerce or the provincial commerce department that implements the inspection through the system or in writing, and provide relevant certification materials.

After verification, if the objection is true, the Ministry of Commerce or the provincial commerce department will correct the relevant information and publish it again.

Article 16 The violations of laws and regulations discovered during the random inspection process shall be dealt with in accordance with relevant regulations, and shall be included in the "Bad Credit Records in the Field of Foreign Investment Cooperation and Foreign Trade" platform. The Ministry of Commerce or the provincial commerce authority may remove the relevant public information after the publicized spot check objects correct and correct the relevant problems. In order to play the role of inter-departmental coordination and supervision, the Ministry of Commerce and provincial commerce authorities will notify the relevant management departments of the inspection results, and may take joint disciplinary measures if necessary. The Ministry of Commerce may also notify relevant industry organizations of the inspection results as appropriate, as a reference for them to judge the credit rating of enterprises and implement industry self-discipline.

Article 17 The Ministry of Commerce and the provincial-level commerce department carry out "double random" random inspection work, must strictly abide by the confidentiality system and the relevant procedures stipulated in these detailed rules, strictly implement the spirit of the eight central regulations, be honest and self-disciplined, standardize operations, and record truthfully inspect the situation and objectively report the inspection results.

Article 18 The provincial commerce department shall promptly summarize the work of the "double random" random inspection in the current year, and submit the work summary with the official seal of the unit to the Ministry of Commerce (Cooperation Division) in writing before January 30 of the following year.

Article 19 These detailed rules will be implemented on a trial basis from the date of promulgation, and the Ministry of Commerce (Department of Cooperation) is responsible for interpretation.

#### Attachment: List of Random Inspection Items for Outbound Investment and Cooperation

serial number	Matter name	Spot check content	Spot check basis
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1	Outbound Investment Inspection	<p>1. Whether the overseas enterprise implements personnel and property safety precautions, and establishes an emergency early warning mechanism and emergency plan;</p> <p>2. Whether the overseas enterprise reports to the overseas (embassy) consulate (economic and commercial office) in a timely manner as required;</p> <p>3. Whether the domestic investment entities of overseas enterprises report overseas investment business conditions and statistical data in accordance with regulations;</p> <p>4. Other matters determined according to management needs.</p>	Measures for the Administration of Overseas Investments
2	Inspection of foreign contracted projects	1. Whether the foreign project contracting enterprise has paid the reserve fund in full;	"Regulations on the Administration

		<p>2. Whether the foreign project contracting enterprises report their business development and submit statistical data in a timely manner;</p> <p>3. Whether the overseas project contracting company has signed a contract with the owner overseas, whether it will report to the embassy (consulate) abroad for registration in a timely manner;</p> <p>4. Whether the foreign project contracting enterprise has established, improved and strictly implemented the project quality and safety production management system;</p> <p>5. Other matters determined according to management needs.</p>	of Foreign Contracted Projects”
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3	Foreign labor cooperation inspection	<p>1. Whether the foreign labor service cooperation enterprise has paid the labor service reserve fund in full;</p> <p>2. Whether the foreign labor cooperation enterprise submits statistical data as required;</p> <p>3. Other matters determined according to management needs.</p>	<p>“Regulations on the Administration of Foreign Labor Cooperation”</p>
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(<http://images.mofcom.gov.cn/mg/201907/20190716155932957.doc>) Attachment: Registration Form for Overseas Chinese-funded Enterprises (Institutions).doc  
(<http://images.mofcom.gov.cn/mg/202107/20210701163623317.doc>)

Li Keqiang presided over an executive meeting of the State Council to deploy policies and measures to stabilize and expand jobs, etc.  
([http://www.gov.cn/premier/2022-07/13/content\\_5700841.htm](http://www.gov.cn/premier/2022-07/13/content_5700841.htm))

