Chongqing Municipal People’s Government〔2020〕No. 16

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Notice of the Chongqing Municipal People's Government on Issuing Measures for Further Utilising Foreign Capital.

The people's governments of all districts and counties (autonomous counties); and all relevant departments and units of the Municipal Government:

The Notice of the Chongqing Municipal People's Government or Further Utilising Foreign Capital is hereby issued for implementation.

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(This document is publicly available)

**Notice of the Chongqing Municipal People's Government on Issuing Measures for Further Utilising Foreign Capital**

In order to implement the Opinions of the State Council for Further Utilising Foreign Capital (Guofa〔2019〕No. 23) and open wider to the outside world to deepen and advancee the construction of the inland open platform for the market-oriented， well administrated， and international business environment in a sustainable way， the measures， given the current state of Chongqing， are proposed as follows.

I. Opening wider to the outside world

1. Supporting foreign investment in new fields. The Special Administrative Measures (Negative List) for the Access of Foreign Investment and the Special Management Measures (Negative List) for Foreign Investment Access in the Pilot Free Trade Zones shall be implemented for deepening and advancing the opening up of areas such as the digital economy and finance. Foreign investors shall be encouraged in the new fields and then take a lead in landing of projects. (Municipal Development and Reform Commission， Municipal Commission of Economy and Information Technology， Municipal Commerce Commission， Municipal Market Supervision Bureau， Municipal Financial Supervision Bureau， Municipal Big Data Development Bureau， PBC Chongqing Administration， Chongqing Banking and Insurance Regulatory Bureau， Chongqing Securities Regulatory Bureau).

2. Opening the economy wider via the China(Chongqing) Pilot Free Trade Zone (CPFTZ). On a case-by-case basis， the CPFTZ has been attaining support in opening wider in key areas such as scientific research and technical services， telecommunications and cross-border digital trade， medical technology， and digital publishing. The zone has also been attaining support in taking a lead to expand its model as a pioneer on the open platform. (Municipal Commerce Commission， Municipal Development and Reform Commission， Municipal Commission of Economy and Information Technology).

II. Further encouraging investment

3. Improving the whole process service system of foreign investment. The administrative service teams shall be strengthened and the contact channels rules for key foreign-invested enterprises shall be improved. The three levels of administrative divisions such as the city， district and county (including autonomous county， development zone) and towns including subdistricts， shall determine a list of key targets and then appoint administrative service staff. The staff shall act as a policy publicist， a project promoter， a problem coordinator， and a communicator. The administrative service staff shall be accountable for giving satisfactory responses and “one-stop service” for foreign investors shall be provided. The foreign investment service checklist shall be established. The departments for approval and registration involved in foreign investment shall disclose approval information such as the content， procedures， conditions， time limits， and contacts. It is strictly forbidden to increase the project review requirements without authorisation， exceed the time limit for processing， and illegally interfere in foreign investment autonomy. (Municipal Commerce Commission， Municipal Bureau of Investment Promotion and Facilitation， Municipal Development and Reform Commission， Municipal Market Supervision Bureau; district and county governments)

4. Supporting domestic and overseas investment promotion. The Smart China Expo and Western China International Fair for Investment and Trade will be utilised and "Multinational Corporation - Chongqing Trip" campaigns shall be held. The regular communication mechanism among municipal leaders， key foreign business associations， overseas multinational companies and leading foreign-invested enterprises in Chongqing shall be established. Domestic and overseas investment encouragement campaigns under the theme of "Investing Chongqing" shall be implemented. The district and county governments can provide financial support in accordance with the actual effect of attracting foreign investment. All districts and counties are supported in sending delegations abroad for investment promotion， and priority shall be given to the economic and trade group tasks. (Municipal Commerce Commission， Municipal Bureau of Investment Promotion and Facilitation， Municipal Commission of Economy and Information Technology， Municipal Government Foreign Affairs Office; district and county governments)

5. Improving the quality of attracting investment via open platforms. The industrial and policy advantages of open platforms such as CPFTZ， the China-Singapore (Chongqing) Demonstration Initiative on Strategic Connectivity (CCI)， Liangjiang New Area， Chongqing High-tech Zone， and Chongqing Economic Development Zone shall be leveraged to promote the implementation of major foreign investment projects and strengthen the ability of platforms to attract investment. The construction of non-urban-based industrial cooperation parks shall be accelerated， and the building of international cooperative ecological industrial parks shall be encouraged. Qualified district and county governments shall be encouraged to establish overseas investment encouragement centeres in cooperation with overseas parks to introduce quality projects. (Municipal Commerce Commission， Municipal Commission of Economy and Information Technology， Municipal Government Foreign Affairs Office， CCI Administrative Bureau， Municipal Bureau of Investment Promotion and Facilitation， Management Committees of Liangjiang New Area， Chongqing High-tech Zone， and Chongqing Economic Development Zone; district and county governments)

6. Increasing support for key foreign investment projects. Regarding the newly established or increased capital projects of foreign investment in line with the city’s industrial development orientation， and regarding the regional headquarters or functional headquarters institutions set up in the city by registered multinational companies from overseas， the relevant Municipal Government departments， district and county governments should give rewards according to their specific comprehensive contributions (economic and social) to the region. International companies will be encouraged to set up R&D centres. Based on the Notice of the General Office of the Chongqing Municipal People’s Government on Issuing Chongqing’s Action Plan for the Introduction of Technology Innovation Resources (2019-2022) (Cqgov〔2019〕 No. 126)， the qualified institutions should be given support when applying for service industry special funds from central government. (Municipal Commission of Economy and Information Technology， Municipal Science and Technology Bureau， Municipal Finance Bureau， Municipal Commerce Commission; and district and county governments)

7. Exploring the establishment of a market-based investment incentive mechanism. Specialised social organisations and investment promotion agencies are encouraged to introduce foreign-invested projects that conform to the city's industrial development orientation. The district and county governments should give rewards according to the specific comprehensive contribution (economic and social) of the introduced projects. The district and county governments are encouraged to integrate investment encouragement and service results into the assessment and incentives， and flexible incentive measures shall be adopted in investment promotion departments or among the non-civil service staff to improve the market-oriented operation of investment promotion campaign. (Municipal Finance Bureau， Municipal Human Resources and Social Security Bureau， Municipal Commerce Commission， Municipal Bureau of Investment Promotion and Facilitation; and district and county governments).

III. Further optimising the business environment

8. Optimising the approval of planning land for foreign-invested projects. On the basis of "one comprehensive regulation"， the approval management mechanism has been optimised: "one comprehensive review" such as opinions for project site selection and for pre-review of construction project land; “one comprehensive certificate” such as construction land planning permits and approvals; "one comprehensive measurement" such as verification measurements of completion， civil air defence compliance， and fire prevention and control; "one comprehensive test" such as planning， fire prevention and control， civil air defence， and archives management. (Municipal Planning and Natural Resources Bureau， Municipal Commission of Housing and Rural and Urban Construction).

9. Optimising the construction approval of key foreign investment projects. For foreign-invested projects with a construction area of less than 3，000 square meters， construction drawings reviews will no longer be carried out. Notification-commitment(the proof-information notification commitment system refers to the administrative agency informing investors in writing about the obligations or proof conditions stipulated by laws and regulations in writing when handling related license registration and other matters)and a lifelong responsibility system ( accountability will not be avoided due to a staff member change) towards staff in construction， survey and design shall be implemented. The construction， survey and design units shall promise that their survey and design documents shall be in the public interest， can guarantee public safety and meet the mandatory standards of engineering construction. The construction administration department shall strengthen the supervision during the whole process through design quality inspection and other methods. Departments in housing construction， transportation， water conservation and other departments shall divide their duties according to their respective responsibilities， strengthen the guidance， supervision and management of engineering survey and design activities for improving the credit evaluation mechanism of the survey and design industry. (Municipal Commission of Housing and Rural and Urban Construction， Municipal Transportation Bureau， Municipal Water Conservancy Bureau)

10. Simplifying the review and registration for multinational chain brands. "Applicant Commitment System"( food operation companies can obtain food business licenses when they make a commitment to food safety)of food operation licenses for multinational chain brands shall be promoted. When qualified pre-packaged food sales and catering manufacturing and sales enterprises open new chain stores and then apply for food operation licenses， they can quickly obtain food operation licenses. The procedures for handling business licenses of brand chain enterprises and their subordinate branches shall be simplified for registration. (Municipal Market Regulation Bureau， Municipal Medical Products Administration)

11. Simplifying administrative procedures for foreigners in job applications. Policies to simplify administrative procedures for foreigners to work in China shall be comprehensively implemented. Foreign students with aspirations in innovation and business creation can apply for a two-year residence permit for private affairs by a Chinese university graduation certificate. Foreigners who have applied for work residence permits for two consecutive times can be issued a residence permit with a validity period of 5 years at the third application. The "single window" for foreigners' work and residence shall be promoted so that "one form for all applications"， "one window for all enquiries"， "one integrated online government service platform" and "one-stop service" can be realised.

Factors such as the establishment of government agencies in districts and counties， staffing， and business needs shall be comprehensively considered， and the decentralisation of work permits for foreigners in Chongqing shall be promoted. The procedures and certification materials for the purchase and payment of foreign exchange for the legal income shall be simplified in the CPFTZ， and foreigners working in Chongqing will be supported in investing in domestic qualified financial products with domestic legal income. (Municipal Government Foreign Affairs Office， Municipal Science and Technology Bureau， Chongqing Municipal Administration Department of PBC， Municipal Public Security Bureau)

12. Bringing convenience to cross-border capital investment. The operation of foreign direct investment business banking shall be simplified. Foreign-invested enterprises can get access to foreign exchange registration of domestic direct investment at the bank by the market supervision registration information. A higher level of cross-border RMB trade and investment facilitation measures can be implemented throughout the city. Banks， with the company’s down payment instructions can directly handle RMB cross-border settlements for current accounts and direct investment on the basis of the “Three Principles”(know your customers， know your businesses， conduct due diligence) of the banking industry. Foreign exchange income payment facilitation for capital projects may be carried out throughout Chongqing. Qualified enterprises are not required to provide authenticity verification materials one by one beforehand when using foreign capital income from capital projects such as capital， foreign debt， and overseas listed funds for domestic payments. (Chongqing Municipal Administration Department of PBC).

13. Supporting the expansion of overseas investment and financing channels. Newly established foreign-invested enterprises are allowed to independently choose between investment and registered investment or comprehensive macro-prudential regulation of cross-border financing for taking out foreign debt and the comprehensive macro-prudential regulation adjustment parameters shall increase from 1 to 1.25. (Chongqing Municipal Administration Department of PBC)

14. Equally applying policies that support the development of Chongqing enterprises. Domestic and foreign-funded enterprises enjoy equal treatment according to law in government capital arrangements， land supply， tax reductions， qualification permits， standard setting， project declaration， and human resources policies. New energy vehicles produced by domestic and foreign automobile manufacturing enterprises can enjoy the same market access treatment. The business scope of domestic and foreign construction enterprises can be unified， and the number of chemical physical hazard appraisal agencies shall be increased. Restrictive conditions for foreign-invested enterprises must not be set. (Municipal Commission of Economy and Information Technology， Municipal Finance Bureau， Municipal Human Resources and Social Security Bureau， Municipal Planning and Natural Resources Bureau， Municipal Housing and Rural Construction Commission， Municipal Emergency Bureau， Municipal Market Regulation Bureau， Chongqing Municipal Taxation Bureau).

IV. Protect ing the legitimate rights and interests of foreign investors

15. Fully implementing the Foreign Investment Law. The Foreign Investment Law of the People's Republic of China and its supporting regulations and provisions must be fully and strictly implemented， interpretation and training for foreign investors and foreign-invested enterprises shall be well implemented. The local legislative process of Chongqing shall be accelerated， and related local regulations shall be formulated， in order to ensure that all the systems can be effectively implemented. (Municipal Commerce Commission， Municipal Development and Reform Commission， Municipal Justice Bureau)

16. Protecting the legitimate rights and interests of foreign-invested enterprises. The district and county governments should establish and then improve the "one-stop window for all complaints ” mechanism for foreign-invested enterprises， publicize contact information to the public， and improve the closed-loop processing procedures of complaint reception， coordinated transfer， research and disposal， and timely feedback for improving processing efficiency. They shall strengthen the construction of a transparent government， fully implement the preferential policies that have been publicly implemented， shall adhere to government commitments that have not violated laws and regulations， and signed agreements. No unit should restrict foreign-invested enterprises from operating， moving， or cancelling across regions in accordance with the law. Those who do not respond within 30 days after submitting an application for change of residence shall be deemed to have agreed to the request for change. (Municipal Commerce Commission， Municipal Market Regulation Bureau; district and county governments)

17. Strengthening the implementation of regulatory policies in a standardised way. Regulations at the city， district and county levels shall be coordinated. The "dual random and public disclosure" (randomly selected inspections during the supervision process， randomly selected law enforcement inspectors， and make random inspections and investigation results public) working mechanism shall be improved， and the scope and frequency of random spot checks shall be decided in a professional manner. Prudent and inclusive regulation based on the current state of the industry to which the enterprise belongs shall be implemented. The standard of administrative penalties for discretion in the fields of market regulation shall be refined and quantified. A list of exemptions for minor violations in Chongqing shall be formulated and published for further standardising and unify the municipal administrative penalties. (Municipal Justice Bureau， Municipal Ecological Environment Bureau， Municipal Culture and Tourism Commission， Municipal Emergency Bureau， Municipal Market Regulation Bureau， Chongqing Municipal Taxation Bureau)

18. Improving the transparency of formulating administrative normative documents. When formulating the administrative normative documents for foreign investment， the legality review shall be strengthened， and the opinions of foreign-invested enterprises and related business associations shall be solicited in advance. Administrative normative documents concerning the adjustment of investment and production of enterprises shall reasonably determine the time for publication and implementation to reserve time for companies to adjust. Given administrative normative documents publication involving foreign investment， English version shall be provided within a reasonable time. (Municipal Justice Bureau， Municipal Commerce Commission; district and county governments)

19. Legal protection of intellectual property rights (IPR). The effective system known as preservation of property， evidence and behavior will be utilised. This refers to: property preservation， the process of caring for the interior and exterior of a foreclosed property， be it vacant or occupied. Property preservation businesses work with banks and asset management companies to provide services such as repair， inspection， insurance claim management， and maintenance; Preservation of evidence statutes require government agencies to retain evidence that may contain biological material so the evidence can be tested for perpetrator DNA or the absence of a defendant's DNA; Behaviour preservation， namely the fact that the behavior of a model is not altered by the transformations， is a crucial property in refactoring. The most common approaches to behaviour preservation rely basically on checking given models and their refactored versions. The simplification of IPR cases shall be promoted and the timeliness and convenience of intellectual property judicial reviews shall be improved. The requirements for the form of evidence in IPR cases involving foreign-invested enterprises shall be optimised. Evidence obstruction and transfer of burden of proof shall be applied according to law to reasonably reduce the burden of proof for the right holder. The punishment of intellectual property rights infringements shall be increased. In cases of repeated infringements， malicious infringements and other serious infringements， compensation shall be increased. The reform of the “three-in-one” trial mechanism for civil， administrative and criminal regarding intellectual property rights shall be deepened and the punishment of IPR crimes shall be increased. Relevant guidelines on the application of laws shall be published in a timely manner and typical cases of judicial protection of IPR shall be also published to increase the awareness and ability of enterprises to protect IP by judicial means. The law enforcement mechanism of public security shall be improved regarding IPR and the functional responsibilities of the Criminal Investigation Unit for Combating Counterfeit and Inferior Commodities (Municipal Intellectual Property Criminal Protection Center) shall be strengthened， and the investigation and handling of IPR violation cases shall be also strengthened. (Municipal High Court， Municipal Public Security Bureau)

20. Improving the working mechanism of IPR. This is led by the people's mediation committee for IPR disputes， mediation studios and professional mediators of district and county governments. A diversified resolution mechanism for IPR disputes shall be set up and then be improved. The joint incentive mechanism of IPR and the joint disciplinary mechanism for breach of trust shall be improved， and malicious trademark registration and abnormal patent application shall be corrected. E-commerce operators， to check they are fulfilling their IPR and other obligations， shall be supervised. The “notification-deletion” obligation for IPR shall be implemented. Foreign-invested enterprises will be supported in expanding protection of well-known trademarks and transnational protection of geographical indications shall be increased. The international exchange and cooperation on IPR protection shall be intensified. (Municipal Market Regulation Bureau， Municipal Intellectual Property Bureau， Municipal Government Foreign Affairs Office， Chongqing Customs)

21. Supporting participation in standard setting. Foreign-invested enterprises shall be supported in putting forward opinions regarding the process of standard project establishment， drafting， technical review and standard implementation， information feedback， and evaluation and shall be supported in undertaking standard drafting， work related to technical review and adequate translation in accordance with regulations. Enterprises shall be encouraged to formulate technical requirements higher than the recommended standards and enterprise standards with international advanced level， with an aim of guiding enterprises to transform scientific and technological innovation achievements into enterprise standards. They can provide timely information support for foreign-invested enterprises in Chongqing to participate in the formulation of national and industry standards. This can optimise the process of preparing and revising local standards， increase the intensity of soliciting opinions on local standards， and improve the local standard information system. This also can guide and encourage enterprises to participate in Chongqing’s professional standardisation technical committee， and these enterprises can be recommended to participate in the national professional standardization technical committee. (Municipal Market Regulation Bureau， Municipal Commission of Economy and Information Technology， Municipal Medical Products Administration)

22. Guaranteeing equal participation in government procurement according to law. Each unit must not discriminate against foreign-invested enterprises in terms of government procurement information release， supplier qualification determination， and bid evaluation standards. No unit will restrict supplier ownership， organisational form， equity structure， origin country of investors， product， or service brands. Suppliers or bidders must not be required to set up local branches. Performance or awards in specific administrative regions or industries must not be used as extra points to exclude or restrict potential bidders. The tender announcement shall reserve a reasonable bidding time for bidders according to the nature of the bidding products or services. If a foreign-invested enterprise discovers that there are violations in laws， administrative regulations or there are discriminatory procurement conditions or behaviour in government procurement， the enterprise can inquire and question the purchaser and procurement agency according to law and can complain to the government procurement supervision and management department. The purchaser， procurement agency and the government procurement supervision and management department shall make a reply or decision within the prescribed time limit. (Municipal Finance Bureau， Municipal Development and Reform Commission， Municipal Public Resources Trading Bureau)

V. Strengthening organizational guarantee

23. Strengthening the organisation leadership of foreign capital utilisation. The roles of the municipal leading group for stabilising foreign trade， foreign investment and foreign economic affairs shall be played. The linkage mechanism of the municipal government's foreign investment departments shall be improved and the overall guidance for Chongqing’s foreign capital utilisation shall be strengthened. The city's foreign investment reporting， supervision， assessment， incentives， interviews and other working mechanisms shall be strengthened further. Foreign investment assessment indicators shall be scientifically set， incorporating indicators reflecting the scale and quality of foreign investment into the local government's economic and social development performance assessment system. (Municipal Commerce Commission， Municipal Bureau of Investment Promotion and Facilitation)

24. Strengthening the training for foreign investment promotion. Relevant municipal government departments and district (county) governments shall regularly organise training activities related to foreign investment promotion， management， and protection to train personnel teams in foreign investment promotion and improve business performance. (Municipal Commerce Commission， Municipal Bureau of Investment Promotion and Facilitation)

25. Strengthening news publicity and public opinion guidance. The implementation of major foreign investment policies and the deployment of key work shall be the highlights and press conferences， lectures， and other information exchanges shall be held. Typical experience and cases of enterprises shall be promoted to positively influence public opinion. The cooperation with overseas institutions and business associations shall be strengthened to widely publicise the city's opening-up policy and tell stories about investing in Chongqing. (Publicity Department of Municipal Party Committee， Municipal Commercial Committee， Municipal Government Foreign Affairs Office， Municipal Bureau of Investment Promotion and Facilitation)