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****Order of the People's Government of Hainan Province****

(No. 310)

The Provisions of the Hainan Free Trade Port on Implementation of the System of Market Access upon Commitment, as deliberated and adopted at the 106th executive meeting of the 7th People's Government of Hainan Province on September 7, 2022, are hereby issued and shall come into force on the date of issuance.

Feng Fei Governor of Hainan Province

November 30, 2022

Provisions of the Hainan Free Trade Port on Implementation of the System of Market Access upon Commitment

Article 1 In order to implement the market access commitment system, optimize the business environment, and stimulate the vitality of market players, these regulations are formulated in accordance with relevant laws and regulations such as the "Hainan Free Trade Port Law of the People's Republic of China" and in light of the actual conditions of the Hainan Free Trade Port.

Article 2 These regulations apply to the management service activities related to the implementation of the market access commitment system in Hainan Free Trade Port.

The market access commitment system referred to in these regulations means that, except for areas involving national security, social stability, ecological protection red lines, major public interests, etc. where the country implements access management, in areas with mandatory standards, the system is canceled in accordance with the law. Licensing and approval, establish and improve the filing system, and market players can carry out investment and business activities with a written commitment to meet the relevant requirements and submit relevant materials for filing.

Hainan Free Trade Port implements list management for the implementation of the market access commitment system, which is dynamically adjusted according to law and announced to the public.

Article 3 The provincial people's government shall strengthen organization and coordination, and establish and improve an overall promotion mechanism for the implementation of the market access commitment system.

The market supervision, development and reform, and commerce departments of the provincial people's government are responsible for leading the promotion of the market access commitment system.

The relevant competent departments of the provincial people's government are responsible for the promotion of the market access commitment system for specific industries in accordance with their respective responsibilities, establish and improve the filing system, compile the list of filing materials that need to be submitted by market players, the format text of the letter of commitment, and handling guidelines, and pass relevant services. Venues, websites, and the province's integrated online government service platform and other channels are published to facilitate market participants to consult, request, or download; formulate unified, standardized, concise and easy-to-operate regulatory rules by field, and provide clear guidance for supervision.

Article 4 Before the implementation of the market access commitment to enter the system to cancel the administrative licensing matters, the relevant competent departments that perform the examination and approval duties according to law (hereinafter referred to as the relevant competent departments) are responsible for the specific handling of the market access commitment to enter the system. Supervision of corresponding market entities.

Article 5 Relevant competent departments shall inform market entities at one time of the conditions, mandatory standards, and technical requirements that need to be met to carry out relevant investment and business activities, as well as the list of materials required for filing, submission methods, submission deadlines, regulatory rules, and breach of commitments. legal responsibilities, etc.

The content of the notice shall be comprehensive, accurate, understandable, quantifiable, and operable, and shall not be ambiguous, contain catch-all clauses, or attach filing conditions.

Article 6 A market entity that handles the recordation of market access commitments, that is, entry items, shall make a written commitment to the following contents:

(1) Knowing the matters to be notified;

(2) It has met the conditions, mandatory standards and technical requirements for carrying out relevant investment and business activities, and can submit relevant materials within the agreed time limit;

(3) Willing to bear the legal responsibility for breach of commitment;

(4) The commitment made is an expression of true will.

Where foreign investment is involved, foreign investors or foreign-invested enterprises shall submit investment information according to law.

Article 7 For the materials that can be resubmitted within a certain period of time after filing, the implementation of vacancy handling and resubmission within a time limit shall be implemented.

If market entities exceed the time limit for submitting materials due to unexpected events, the time limit shall be suspended or extended according to regulations.

Article 8 After a market entity makes a written commitment and submits filing materials that meet the requirements, the relevant competent department shall go through the filing procedures on the spot, and issue a filing certificate, specifying the basis for implementing the market access commitment, that is, entering the system, and the filing information of the market entity. Evidence of carrying out relevant investment and business activities as a market entity.

Article 9 The relevant competent departments shall simultaneously push the filing information of market entities to the market supervision department at the same level, and simultaneously push the commitment information of market entities to the competent social credit department at the same level; within five working days from the date of issuance of the filing certificate The market players who signed the market access commitment letter and the content of their commitments shall be disclosed to the public.

The market supervision department shall, in conjunction with relevant competent departments, integrate the filing information of market access commitments, that is, entry items, into the business license.

Article 10 Relevant competent departments shall check the commitments made by market participants within two months from the date of issuing the record certificate, and adopt "double random, one disclosure" supervision, Full coverage of supervision and other methods to strengthen supervision during and after the event.

Article 11: The competent department of social credit of the provincial people's government shall strengthen work such as the collection and sharing of public credit information of market entities. Relevant competent departments should comprehensively include the fulfillment of commitments by market players in their credit records, and include them in the credit information sharing platform; record untrustworthy and illegal acts of market players in their credit records, and implement punishments for dishonesty in accordance with the law.

Article 12 Where a market entity fails to file or submits false materials for filing to carry out investment and business activities, the relevant competent authority shall order it to make corrections within a time limit; if it refuses to make corrections, it shall be fined not less than 10,000 yuan but not more than 100,000 yuan.

If a market entity conducts investment and business activities without submitting materials or submitting materials that do not meet the requirements within the agreed time limit after filing, the relevant competent authority shall order it to make corrections within a time limit; if it refuses to make corrections, it shall be fined not less than 10,000 yuan but not more than 50,000 yuan. fine.

Market participants who conduct investment and business activities that do not comply with mandatory standards and laws and regulations shall be dealt with in accordance with relevant laws and regulations; if a crime is constituted, criminal responsibility shall be investigated according to law.

Article 13 Before the implementation of the market access commitment, that is, the entry into the system and the cancellation of administrative licensing items, market entities that have obtained administrative licenses shall continue to be valid; if the administrative license expires and it is necessary to continue to carry out relevant investment and business activities, it shall Within the first 30 days, the filing shall be handled in accordance with these regulations.

Article 14 Cities, counties, and autonomous counties that implement relatively centralized administrative licensing reforms or comprehensive administrative law enforcement reforms shall determine the filing, supervision, and law enforcement responsibilities of relevant departments in accordance with the relevant provisions of the provincial people's government.

Article 15 These Provisions shall come into force on the date of promulgation.