

## 国务院关于在市场体系建设中建立公平竞争审查制度的意见

**Opinions of the State Council on Establishing a Fair Competition Review System During the Development of Market-oriented Systems**

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各省、自治区、直辖市人民政府，国务院各部委、各直属机构：

公平竞争是市场经济的基本原则，是市场机制高效运行的重要基础。随着经济体制改革不断深化，全国统一市场基本形成，公平竞争环境逐步建立。但同时也要看到，地方保护、区域封锁，行业壁垒、企业垄断，违法给予优惠政策或减损市场主体利益等不符合建设全国统一市场和公平竞争的现象仍然存在。为规范政府有关行为，防止出台排除、限制竞争的政策措施，逐步清理废除妨碍全国统一市场和公平竞争的规定和做法，现就市场体系建设中建立公平竞争审查制度提出以下意见。

To the people's governments of all provinces, autonomous regions and municipalities directly under the Central Government, and all ministries and commissions of, and departments directly under, the State Council,

Fair competition is a basic principle of market economy, and an important basis for the efficient operations of market mechanisms. With the continuous deepening of economic system reforms, a unified national market has largely taken shape, and the environment for fair competition has been gradually established. At the same time, however, it should be noted that local protectionism, regional blockade, industry barriers, business monopoly, granting preferential policies in violation of the law or illegally prejudicing the interests of market players, and other phenomena contrary to the efforts of building a unified national market and promoting fair competition still exist. With a view to standardizing relevant government activities, preventing the introduction of policy measures that exclude or restrain competition, and gradually cleaning up and abolishing provisions and practices that hinder fair competition and the development of a unified national market, these Opinions are hereby put forward as follows on establishing a fair competition review system during the development of market-oriented systems.

一、充分认识建立公平竞争审查制度的重要性和紧迫性

一是深入推进经济体制改革的客观需要。经济体制改革的核心是使市场在资源配置中起决定性作用

和更好发挥政府作用。统一开放、竞争有序的市场体系,是市场在资源配置中起决定性作用的基础。建立公平竞争审查制度,防止政府过度和不当干预市场,有利于保障资源配置依据市场规则、市场价格、市场竞争实现效益最大化和效率最优化。

二是全面推进依法治国的有力保障。全面推进依法治国,要求政府依法全面正确履行职能。《中华人民共和国反垄断法》明确禁止行政机关滥用行政权力,排除、限制市场竞争。建立公平竞争审查制度,健全行政机关内部决策合法性审查机制,有利于保证政府行为符合相关法律法规要求,确保政府依法行政。

三是实现创新驱动发展的必然选择。当前我国经济发展进入新常态,必须靠创新驱动来推进经济持续健康发展。企业是创新的主体,公平竞争是创新的重要动力。建立公平竞争审查制度,大力消除影响公平竞争、妨碍创新的各种制度束缚,有利于为大众创业、万众创新营造公平竞争的市场环境。

四是释放市场主体活力的有效举措。我国经济发展正处于动力转换的关键时期,大力培育新动能,改造提升传统动能,都需要充分激发市场主体活力。建立公平竞争审查制度,降低制度性交易成本,克服市场价格和行为扭曲,有利于调动各类市场主体的积极性和创造性,培育和催生经济发展新动能。

1. The significance and urgency of the establishment of a fair competition review system shall be fully appreciated.

First, establishing a fair competition review system stems from the objective needs of promoting economic system reforms in an in-depth manner. The core of economic system reforms is to let the market play a decisive role in the allocation of resources and better play the role of the Government. Unified, open, competitive and orderly market-oriented systems serve as the bases for the market to play a decisive role in resource allocation. Establishing a fair competition review system, and preventing excessive and inappropriate government intervention in the market are conducive to ensuring resources are allocated in a way that maximizes benefits and optimizes efficiency according to market rules, market prices and market competition.

Second, establishing a fair competition review system acts as an effective safeguard for comprehensively promoting the rule of law. The mission of comprehensively promoting the rule of law calls on the Government to fully and correctly perform its duties and functions pursuant to the law. The Anti-monopoly Law of the People's Republic of China expressly prohibits administrative organs from abusing administrative power to exclude and restrain market competition. Establishing a fair competition review system, and improving the compliance review mechanism for the internal decision-making of administrative organs are conducive to ensuring that government actions are in compliance with relevant laws and regulations, and that the Government carries out administration pursuant to the law.

Third, establishing a fair competition review system is an inevitable choice to be made for achieving innovation-driven development. At present, China's economic development has entered the "new normal" stage, and the advance of sustained and healthy economic development has to be driven by innovation. Enterprises are the main players of innovation, and fair competition is an important driver of innovation. Establishing a fair competition review system, and vigorously eliminating various institutional constraints that affect fair competition and impede innovation are conducive to creating a market environment of fair competition that encourages the public to start their own businesses and engage in innovation.

Fourth, establishing a fair competition review system is an effective measure to motivate the vitality of market players. China's economic development is in a crucial period of transition in terms of the development driver, and the vitality of market players needs to be fully stimulated both for vigorously developing new drivers, and for transforming and upgrading traditional drivers. Establishing a fair competition review system, lowering transaction costs arising from institutions, and overcoming the distortion of market prices and behaviors are conducive to arousing the enthusiasm and creativity of

market players of all types, and fostering and giving birth to new economic development impetuses.

## 二、明确建立公平竞争审查制度的总体要求和基本原则

建立公平竞争审查制度,要按照加快建设统一开放、竞争有序市场体系的要求,确保政府相关行为符合公平竞争要求和相关法律法规,维护公平竞争秩序,保障各类市场主体平等使用生产要素、公平参与市场竞争、同等受到法律保护,激发市场活力,提高资源配置效率,推动大众创业、万众创新,促进实现创新驱动发展和经济持续健康发展。

尊重市场,竞争优先。尊重市场经济规律,处理好政府与市场的关系,着力转变政府职能,最大限度减少对微观经济的干预,促进和保护市场主体公平竞争,保障市场配置资源的决定性作用得到充分发挥。

立足全局,统筹兼顾。着力打破地区封锁和行业垄断,清除市场壁垒,促进商品和要素在全国范围内自由流动。统筹考虑维护国家利益和经济安全、促进区域协调发展、保持经济平稳健康运行等多重目标需要,稳妥推进制度实施。

科学谋划,分步实施。建立公平竞争审查制度是一项长期性、系统性、复杂性工程。要尊重国情,坚持从实际出发,研究制定具有可操作性的方案;破立结合,在规范增量政策的同时,坚持分类处理、不溯及既往,逐步清理废除妨碍全国统一市场和公平竞争的存量政策;着眼长远,做好整体规划,在实践中分阶段、分步骤地推进和完善。

依法审查,强化监督。加强与现行法律体系和行政管理体制的衔接,提高公平竞争审查的权威和效能。建立健全公平竞争审查保障机制,把自我审查和外部监督结合起来,加强社会监督和执法监督,及时纠正滥用行政权力排除、限制竞争行为。

2. The general requirements and fundamental principles for establishing a fair competition review system shall be specified.

In establishing a fair competition review system, it is imperative to ensure that relevant government actions are in compliance with the requirements of fair competition and relevant laws and regulations according to the requirements of accelerating the development of unified, open, competitive and orderly market-oriented systems, maintain the fair competition order, safeguard the rights of market players of all types to make equal use of production factors, fairly participate in market competition and enjoy equal legal protection, stimulate market vitality, improve the efficiency of resource allocation, and promote the public to start their own businesses and engage in innovation, so as to contribute to achieving innovation-driven development and the sustained and healthy development of the economy.

The principle of showing respect for the market and giving priority to competition shall be upheld. It is required to respect the patterns of market economy, properly deal with the government-market relationship, focus on transforming government functions, minimize micro-economic interventions of the Government, promote and protect fair competition among market players, and ensure that the decisive role of the market in resource allocation is given full play.

The principle of making overall coordination by bearing the bigger picture in mind shall be upheld. It is important to focus efforts on breaking regional blockades and industry monopoly, remove market barriers, promote the free movement of goods and production factors across the country, take into overall consideration the needs of multiple objectives of safeguarding national interests and economic security, promoting coordinated regional development, maintaining stable and healthy economic operations, etc., and push forward the implementation of the fair competition review system in a steady manner.

The principle of making scientific planning and carrying out implementation step by step shall be upheld. Establishing a fair competition review system is a long-term, systematic and complex task. It is necessary to respect China's national conditions, and always proceed from reality to study and formulate practicable plans; combine the efforts to repeal incompliant provisions and practices with

those to establish favorable rules, standardize the new policies to be promulgated, and at the same time gradually clean up and abolish existing policies that hinder fair competition and the development of a unified national market by adhering to a classified and non-retroactive approach; and, have a long-term perspective, make effective overall planning, and advance and improve such planning in practice by phrase and step by step.

The principle of conducting review pursuant to the law and reinforcing supervision shall be upheld. It is essential to strengthen the alignment between the fair competition review system and existing legal systems and administrative systems to enhance the authoritativeness and effectiveness of fair competition review; and, establish and improve the safeguarding mechanism for fair competition review, combine self-review with external supervision, strengthen public oversight and law enforcement supervision, and promptly correct acts that abuse administrative power to exclude or restrain competition.

### 三、科学建立公平竞争审查制度

(一)审查对象。行政机关和法律、法规授权的具有管理公共事务职能的组织(以下统称政策制定机关)制定市场准入、产业发展、招商引资、招标投标、政府采购、经营行为规范、资质标准等涉及市场主体经济活动的规章、规范性文件和其他政策措施,应当进行公平竞争审查。

行政法规和国务院制定的其他政策措施、地方性法规,起草部门应当在起草过程中进行公平竞争审查。未进行自我审查的,不得提交审议。

(二)审查方式。政策制定机关在政策制定过程中,要严格对照审查标准进行自我审查。经审查认为不具有排除、限制竞争效果的,可以实施;具有排除、限制竞争效果的,应当不予出台,或调整至符合相关要求后出台。没有进行公平竞争审查的,不得出台。制定政策措施及开展公平竞争审查应当听取利害关系人的意见,或者向社会公开征求意见。有关政策措施出台后,要按照《中华人民共和国政府信息公开条例》要求向社会公开。

(三)审查标准。要从维护全国统一市场和公平竞争的角度,按照以下标准进行审查:

#### 1.市场准入和退出标准。

- (1)不得设置不合理和歧视性的准入和退出条件;
- (2)公布特许经营权目录清单,且未经公平竞争,不得授予经营者特许经营权;
- (3)不得限定经营、购买、使用特定经营者提供的商品和服务;
- (4)不得设置没有法律法规依据的审批或者事前备案程序;
- (5)不得对市场准入负面清单以外的行业、领域、业务等设置审批程序。

#### 2.商品和要素自由流动标准。

- (1)不得对外地和进口商品、服务实行歧视性价格和歧视性补贴政策;
- (2)不得限制外地和进口商品、服务进入本地市场或者阻碍本地商品运出、服务输出;
- (3)不得排斥或者限制外地经营者参加本地招标投标活动;
- (4)不得排斥、限制或者强制外地经营者在本地投资或者设立分支机构;
- (5)不得对外地经营者在本地的投资或者设立的分支机构实行歧视性待遇,侵害其合法权益。

#### 3.影响生产经营成本标准。

- (1)不得违法给予特定经营者优惠政策;
- (2)安排财政支出一般不得与企业缴纳的税收或非税收入挂钩;
- (3)不得违法免除特定经营者需要缴纳的社会保险费用;
- (4)不得在法律规定之外要求经营者提供或者扣留经营者各类保证金。

#### 4.影响生产经营行为标准。

- (1)不得强制经营者从事《中华人民共和国反垄断法》规定的垄断行为;

(2)不得违法披露或者要求经营者披露生产经营敏感信息,为经营者从事垄断行为提供便利条件;

(3)不得超越定价权限进行政府定价;

(4)不得违法干预实行市场调节价的商品和服务的价格水平。

没有法律、法规依据,各地区、各部门不得制定减损市场主体合法权益或者增加其义务的政策措施;不得违反《中华人民共和国反垄断法》,制定含有排除、限制竞争内容的政策措施。

(四)例外规定。属于下列情形的政策措施,如果具有排除和限制竞争的效果,在符合规定的情况下可以实施:

- 1.维护国家经济安全、文化安全或者涉及国防建设的;
- 2.为实现扶贫开发、救灾救助等社会保障目的的;
- 3.为实现节约能源资源、保护生态环境等社会公共利益的;
- 4.法律、行政法规规定的其他情形。

政策制定机关应当说明相关政策措施对实现政策目的不可或缺,且不会严重排除和限制市场竞争,并明确实施期限。

政策制定机关要逐年评估相关政策措施的实施效果。实施期限到期或未达到预期效果的政策措施,应当及时停止执行或者进行调整。

### 3. A fair competition review system shall be established in a scientific manner.

(1) Targets subject to review. Administrative organs and organizations that have the functions of public affairs administration as authorized by laws and regulations (hereinafter collectively referred to as the "Policy-making Organs") shall conduct fair competition review when formulating rules, regulatory documents and other policy measures that involve the economic activities of market players, such as those on market entry, industrial development, attracting foreign investment, bidding and bids, government procurement, business code of conduct, qualification standards, etc.

As regards administrative regulations, and other policy measures and local regulations formulated by the State Council, drafting departments shall conduct fair competition review during the drafting process, and may not submit the drafts for deliberation without first going through self-review.

(2) Review approaches. Policy-making Organs shall, during the policy-making process, conduct rigorous self-review pursuant to review standards. Policies that are considered as will not exclude or restrain competition upon review may be implemented, while those that will exclude or restrain competition shall not be promulgated or shall be promulgated only after being adjusted to meet relevant requirements. Policies that have not been subject to fair competition review may not be introduced. In formulating policy measures and carrying out fair competition review, Policy-making Organs shall listen to the opinions of interested parties, or solicit public comments. After relevant policy measures are promulgated, they shall be disclosed to the public pursuant to the Regulations of the People's Republic of China on Government Information Disclosure.

(3) Review standards. Review shall be conducted in accordance with the following standards from the perspective of safeguarding a unified national market and fair competition:

#### a. Standards on market entry and exit.

(a) Unreasonable and discriminatory market entry and exit conditions shall not be imposed;

(b) The listing of concession projects shall be announced, and concession rights shall not be granted to business operators without fair competition;

(c) It is prohibited to restrict the business operations, purchase and use of goods and services to those provided by designated business operators;

(d) Examination and approval or prior record-filing procedures without legal basis may not be established; and

(e) Examination and approval procedures may not be established for industries, fields, business, etc.



that are not included in the negative list of market entry.

b. Standards on the free movement of goods and production factors.

(a) Non-local and imported goods and services shall not be subject to discriminatory policies on pricing and subsidies;

(b) The entry of non-local and imported goods and services to the local market shall not be restricted, or the export of local goods and services shall not be impeded;

(c) Non-local business operators shall not be excluded or restricted from participating in local activities of bidding and bids;

(d) Non-local business operators shall not be excluded or restricted from investing or setting up branches in the local market, or be forced to invest or set up branches in the local market; and

(e) The investments made, or the branches set up, in the local market by non-local business operators shall not be subject to discriminatory treatment, prejudicing the legitimate rights and interests of such business operators.

c. Standards that affect production and operating costs.

(a) It is prohibited to grant preferential policies to specific business operators in violation of the law;

(b) In general, fiscal expenditure arrangements shall not be pegged to the tax revenue or non-tax revenue contributed by enterprises;

(c) Specific business operators shall not be illegally exempted from social insurance premiums that shall be contributed; and

(d) It is prohibited to require business operators to provide various types of deposits beyond the law or withhold the various types of deposits placed by business operators beyond the law.

d. Standards that affect activities of production and business operations.

(a) It is prohibited to compel business operators to engage in the monopolistic conducts prescribed by the Anti-monopoly Law of the People's Republic of China;

(b) It is prohibited to violate the law to disclose or require business operators to disclose sensitive information on production and business operations to facilitate business operators to engage in monopolistic activities;

(c) It is prohibited to determine government prices in excess of pricing authority; and

(d) It is prohibited to interfere, in violation of the law, with the price levels of goods and services subject to market-regulated prices.

Without legal basis, all regions and departments shall not formulate policy measures that prejudice the legitimate rights and interests of market players or increase their obligations, and shall not violate the Anti-monopoly Law of the People's Republic of China to formulate policy measures that exclude or restrain competition.

(4) Exceptions. Policy measures that fall under any of the following circumstances may be implemented as long as relevant provisions are complied with, even if they exclude or restrain competition:

a. Circumstances that safeguard national economic security or cultural security, or are related to national defense construction;

b. Circumstances for achieving social security purposes such as poverty alleviation and national development, disaster relief and rescue, etc.;

c. Circumstances for achieving social and public interests, such as energy and resource conservation, ecological and environmental protection, etc.; or

d. Any other circumstances prescribed by laws and administrative regulations.

Policy-making Organs shall explain that relevant policy measures are indispensable for achieving policy objectives, and that they will not seriously exclude and restrain market competition, and shall

specify the implementation period of such policy measures.

Policy-making Organs shall assess the implementation effects of relevant policy measures on an annual basis. They shall promptly cease or adjust the implementation of policy measures whose implementation period has expired or that fail to achieve the desired effects.

#### 四、推动公平竞争审查制度有序实施

(一)明确工作机制。从2016年7月起,国务院各部门、各省级人民政府及所属部门均应在有关政策措施制定过程中进行公平竞争审查。国家发展改革委、国务院法制办、商务部、工商总局要会同有关部门,建立健全工作机制,指导公平竞争审查制度实施工作,并及时总结成效和经验,推动制度不断完善,在条件成熟时组织开展第三方评估。各省级人民政府要抓紧研究制定具体工作措施和办法,落实制度要求,并从2017年起在本行政区域内逐步推开,指导市县级人民政府及所属部门开展公平竞争审查。

(二)有序清理存量。按照“谁制定、谁清理”的原则,各级人民政府及所属部门要对照公平竞争审查标准,对现行政策措施区分不同情况,稳妥把握节奏,有序清理和废除妨碍全国统一市场和公平竞争的各种规定和做法。对市场主体反映比较强烈、问题暴露比较集中、影响比较突出的规定和做法,要尽快废止;对以合同协议等形式给予企业的优惠政策,以及部分立即终止会带来重大影响的政策措施,要设置过渡期,留出必要的缓冲空间;对已兑现的优惠政策,不溯及既往。

(三)定期评估完善。对建立公平竞争审查制度后出台的政策措施,各级人民政府及所属部门要在定期清理规章和规范性文件时,一并对政策措施影响全国统一市场和公平竞争的情况进行评估。鼓励委托第三方开展评估。评估报告应当向社会公开征求意见,评估结果应当向社会公开。经评估认为妨碍全国统一市场和公平竞争的政策措施,要及时废止或者修改完善。

(四)制定实施细则。国家发展改革委、国务院法制办、商务部、工商总局要会同有关部门,抓紧研究起草公平竞争审查实施细则,进一步细化公平竞争审查的内容、程序、方法,指导政策制定机关开展公平竞争审查和相关政策措施清理废除工作,保障公平竞争审查制度有序实施。各地区、各部门要紧密结合实际,制定相关政策措施清理废除工作方案,明确工作方式、工作步骤和时间节点,加强分类指导,确保本地区、本部门相关政策措施清理废除工作稳妥推进。

(五)加强宣传培训。有关部门要切实加大宣传培训力度,加强政策解读和舆论引导,增进全社会对公平竞争审查制度的认识和理解,为公平竞争审查制度实施营造良好的舆论氛围和工作环境。

4. Efforts shall be made to promote the orderly implementation of the fair competition review system.

(1) Work mechanisms shall be clarified. With effect from July 2016, all departments of the State Council, all provincial people's governments and the departments thereof shall conduct fair competition review during the formulation of relevant policy measures. The National Development and Reform Commission ("NDRC"), the Legislative Affairs Office of the State Council ("LAO"), the Ministry of Commerce ("MOFCOM") and the State Administration for Industry and Commerce ("SAIC") shall, in conjunction with relevant departments, establish and improve work mechanisms, guide the implementation of the fair competition review system, promptly summarize the achievements of, and experience learnt from, the implementation of the fair competition review system, promote continuous improvement of the said system, and organize third-party evaluation when conditions are ripe. All provincial people's governments shall lose no time in studying and formulating concrete work measures and methods, enforce the requirements of the fair competition review system, gradually roll out the said system within their respective administrative regions from 2017 onwards, and guide the people's governments of cities and counties and their departments to carry out fair competition review.

(2) Existing policy measures shall be cleaned up in an orderly manner. According to the principle that "whoever formulates a policy shall be responsible for policy clean-up", the people's governments at all

levels and their departments shall, by reference to the standards on fair competition review, distinguish existing policy measures under different circumstances to clean up and abolish various provisions and practices that hinder fair competition and the development of a unified national market in an orderly manner by ensuring the right rhythm. Provisions and practices that draw strong response from market players, expose problems in a relatively concentrated manner, and have more keenly-felt impact shall be abolished as soon as possible; a transitional period shall be set aside for preferential policies granted to enterprises in the form of contracts, agreements, etc., as well as certain policy measures that will cause significant influence if terminated immediately, so as to leave the necessary buffer space; and, retroactive measures shall not be taken with regard to preferential policies that have been honored.

(3) Regular assessment shall be conducted to facilitate improvement. As regards policy measures that are introduced after the fair competition review system is established, the people's governments at all levels and their departments shall, at the same time of regularly cleaning up rules and regulatory documents, assess the impact of such policy measures on the development of a unified national market and fair competition. They are encouraged to entrust third parties to carry out assessment. Assessment reports shall be disclosed for soliciting public comments, and assessment results shall be announced to the public. Policy measures that are assessed to have the effects of impeding fair competition and the development of a unified national market shall be promptly abolished or revised and fine-tuned.

(4) Detailed rules of implementation shall be formulated. The NDRC, the LAO, the MOFCOM and the SAIC shall, in conjunction with relevant departments, lose no time in researching and drafting detailed rules of implementation on fair competition review, further refine the contents, procedures and approaches of fair competition review, and guide Policy-making Organs to carry out fair competition review and clean up and abolish relevant policy measures, so as to ensure the orderly implementation of the fair competition review system. All regions and departments shall formulate work plans for cleaning up and abolishing relevant policy measures closely in light of actual situations, make clear work approaches, steps and deadlines, and enhance classified guidance, in a bid to ensure steady progress of the work of their respective regions or departments to clean up and abolish relevant policy measures.

(5) Publicity and training shall be stepped up. Relevant departments shall effectively step up publicity and training efforts, enhance policy interpretation and the guidance of public opinions, and deepen the awareness and understanding of the general public of the fair competition review system, so as to create a favorable atmosphere of public opinions and working environment for the implementation of the said system.

## 五、健全公平竞争审查保障措施

(一) 健全竞争政策。国务院反垄断委员会要发挥职能作用，组织、协调、指导反垄断工作，研究拟订有关竞争政策，组织调查、评估市场总体竞争状况，为推进和逐步完善公平竞争审查制度奠定坚实基础。各地区、各部门要按照确立竞争政策基础性地位的要求，有针对性地制定政策措施，及时研究新经济领域市场监管问题，不断完善市场竞争规则，加快形成统一开放、竞争有序的市场体系。

(二) 完善政府守信机制。严格履行政府向社会作出的承诺，把政务履约和守诺服务纳入政府绩效评价体系，建立健全政务和行政承诺考核制度。各级人民政府对依法作出的政策承诺和签订的各类合同要认真履约和兑现。完善政务诚信约束和问责机制。进一步推广重大决策事项公示和听证制度，拓宽公众参与政府决策的渠道，加强对权力运行的社会监督和约束。

(三) 加强执法监督。对涉嫌违反公平竞争审查标准的政策措施，任何单位和个人有权举报，有关部门要及时予以处理；涉嫌违反《中华人民共和国反垄断法》的，反垄断执法机构要依法调查核实，并向有关上级机关提出处理建议。案件情况和处理建议要向社会公开。政策制定机关要及时纠正排除和限制



竞争的政策措施，维护公平竞争的市场秩序。

（四）强化责任追究。对未进行公平竞争审查或者违反公平竞争审查标准出台政策措施，以及不及时纠正相关政策措施的地方政府和部门，有关部门依法查实后要作出严肃处理。对失职渎职等需要追究有关人员党纪政纪责任的，要及时将有关情况移送纪检监察机关。

国务院

2016年6月1日

5. Safeguarding measures for fair competition review shall be improved.

(1) Competition policies shall be improved. The Anti-monopoly Committee of the State Council shall perform its functions to organize, coordinate and guide anti-monopoly work, study and draft relevant competition policies, and organize survey and assessment of the overall market competition landscape, so as to lay a solid foundation for promoting and gradually improving the fair competition review system. All regions and departments shall, pursuant to the requirements on establishing the fundamental status of competition policies, formulate targeted policy measures, promptly study market regulatory issues in new economy fields, constantly improve the rules of market competition, and accelerate the formation of unified, open, competitive and orderly market-oriented systems.

(2) The mechanism whereby the Government shall honor its commitments shall be improved. It is paramount to honor the Government's commitments to the public, include the services of the Government to perform and honor promises in the government performance appraisal system, and establish and improve the appraisal system for governance and administrative commitments. The people's governments at all levels shall earnestly perform and honor the policy commitments made, and contracts of various types concluded, in accordance with the law. In addition, efforts shall be made to improve the government integrity constraint and accountability mechanism, further promote the system of disclosure and hearing of major decision-making matters, broaden the channels for public participation in government decision-making, and strengthen public oversight and restraint of the exercise of powers.

(3) Law enforcement supervision shall be strengthened. All entities and individuals shall be entitled to lodge tip-offs against policy measures that are suspected of violating the standards on fair competition review, and relevant departments shall promptly address such tip-offs. Where certain policy measures are suspected of violating the Anti-monopoly Law of the People's Republic of China, anti-monopoly law enforcement agencies shall conduct investigation and verification pursuant to the law, and raise handling suggestions to relevant superior organs. Circumstances of cases and handling suggestions shall be made public. Policy-making Organs shall promptly rectify policy measures that exclude or restrain competition, and maintain the market order of fair competition.

(4) Pursuit of accountability shall be reinforced. As regards policy measures that are promulgated without being subject to fair competition review or in violation of the standards on fair competition review, and local governments and departments that fail to promptly rectify relevant policy measures, the departments concerned shall take stern measures after relevant circumstances are confirmed upon verification pursuant to the law. Where relevant persons shall be investigated for Party or government disciplinary liabilities due to dereliction of duty, malfeasance, etc., the situations concerned shall be promptly transferred to disciplinary inspection organs.

State Council

June 1, 2016