

Regulations of Guangdong Province on Protection of Rights and Interests of Foreign Investment

Article 1

In order to protect the legitimate rights and interests of foreign investment, optimize the foreign investment environment, and promote foreign investment, this document is formulated in accordance with the "Foreign Investment Law of the People's Republic of China", "The Regulations on the Implementation of the Foreign Investment Law of the People's Republic of China" and other laws and administrative regulations, and in light of the actual situation of this province. regulations.

Article 2

These Regulations shall apply to the protection of investment, income and other legitimate rights and interests of foreign investors and foreign-invested enterprises within the administrative region of this province.

Article 3

This province promotes foreign investment in accordance with the law, protects the rights and interests of foreign investment, optimizes foreign investment services, regulates foreign investment management, and adheres to the integration of foreign investment promotion, protection, service, and management to form a new pattern of comprehensive opening up.

Article 4

The people's government at or above the county level shall strengthen the organization and leadership of the protection of foreign investment rights and interests, establish and improve the working mechanism for the protection of foreign investment rights and interests, and timely coordinate and solve major problems in the protection of foreign investment rights and interests.

The competent commercial department of the people's government at or above the county level is responsible for the protection of foreign investment rights and interests, and takes the lead in coordinating cross-field and cross-departmental issues in the protection of foreign investment rights and interests. Other relevant departments shall do a good job in the protection of foreign investment rights and interests within the scope of their respective duties.

Article 5

This province implements the pre-entry national treatment plus negative list management system for foreign investment in accordance with state regulations. In the fields outside the negative list of foreign investment access, the people's governments at all levels and their relevant departments shall not set access restrictions for foreign investment.

The people's governments at or above the county level and their relevant departments shall cooperate with the state to do a good job in the security review of foreign

investment.

Article 6

The people's governments at all levels and their relevant departments shall treat them equally in accordance with the law in the arrangement of government funds, the construction of government-invested projects, land supply, tax reduction and exemption, qualification licensing, standard formulation, project declaration, professional title evaluation, and human resources policies. Foreign-funded enterprises and domestic-funded enterprises shall not formulate or implement discriminatory policies and measures.

Foreign-invested enterprises and domestic-funded enterprises shall equally participate in government procurement, bidding, land transfer, property rights transactions and other activities in accordance with the law.

Article 7

The provincial competent department in charge of intellectual property protection shall establish a cross-regional and cross-departmental intellectual property rights rapid collaborative protection mechanism according to their duties, improve the intellectual property administrative law enforcement protection system, and deal with the infringement of intellectual property rights of foreign investors and foreign-invested enterprises in accordance with the law.

The market supervision and administration department of the people's government at or above the county level shall, in conjunction with relevant departments of commerce, industry and informatization, strengthen the protection of intellectual property rights of the exhibition, and organize and guide the organizer or organizer of the exhibition to deal with acts that infringe upon the legitimate rights and interests of foreign investors and foreign-invested enterprises participating in the exhibition. , to do a good job in pre-exhibition investigation, quick disposal during the exhibition, and follow-up processing after the exhibition.

Encourage foreign investors and foreign-invested enterprises to apply for patents, register trademarks, register copyrights and conduct intellectual property transactions in accordance with the law.

Article 8

People's governments at or above the county level shall ensure that foreign-invested enterprises make fair use of intellectual property public service resources in accordance with the law, and enjoy services in the areas of rapid intellectual property review, quick confirmation of rights, and quick rights protection. In carrying out various awards evaluation activities, it shall ensure that inventions and other scientific and technological achievements of foreign-invested enterprises participate in the evaluation on an equal basis.

Article 9

The people's courts at all levels shall accept, examine and make rulings in accordance

with the law on the application for evidence preservation, behavior preservation and property preservation involving intellectual property rights of foreign investors and foreign-invested enterprises; for acts of intentional infringement of intellectual property rights, if the circumstances are serious , and apply the punitive damages system in accordance with the law.

Article 10

Encourage foreign investors and foreign-invested enterprises to carry out technical cooperation with various market entities and scientific research entities based on the principle of voluntariness and business rules, and to negotiate on an equal footing in accordance with the law to determine the technical cooperation such as the assumption of technical infringement liability and the ownership of improved technologies. condition.

Article 11

Administrative organs and organizations authorized by laws and regulations with the function of managing public affairs and their staff shall protect the commercial secrets of foreign investors and foreign-invested enterprises that they learn in the course of performing their duties.

Judicial organs shall strengthen judicial protection of commercial secrets in accordance with the law, and fully safeguard the legitimate rights and interests of rights holders.

Article 12

Banking financial institutions are encouraged to increase the application of financial technology, and provide foreign-invested enterprises with facilitation of foreign-related receipts and payments and electronic settlement services in accordance with the law.

In accordance with the national cross-border financing management policy, financial institutions in this province provide corresponding convenience for foreign-invested enterprises to carry out cross-border financing in domestic and foreign currencies.

Article 13

The people's governments at or above the county level shall ensure that foreign-invested enterprises participate equally in the formulation and revision of national standards, industry standards, local standards and group standards in accordance with the law, and participate in the activities of various professional standardization technical committees. When formulating and revising local standards closely related to the production and operation of foreign-invested enterprises, the standardization administrative department of the listed people's government at the provincial or prefecture level shall fully listen to the opinions of foreign-invested enterprises, and promote the information disclosure of the whole process of formulation and revision of local standards, so as to provide foreign investors with better information. Invested companies provide convenience and guidance for participating in the drafting, translation and international cooperation of local standards.

It is prohibited to use standards to implement behaviors that hinder foreign-invested

enterprises from participating in fair competition.

Article 14

Encourage foreign-invested enterprises to formulate relevant technical requirements higher than recommended standards and enterprise standards with international advanced level, and guide foreign-invested enterprises to transform scientific and technological innovation achievements into enterprise standards.

Article 15

The people's governments at all levels and relevant departments shall ensure the fair participation of foreign-invested enterprises in government procurement in accordance with the law. Purchasers and procurement agencies shall treat foreign-invested enterprises equally in accordance with the law in terms of the release of government procurement information, the determination of supplier conditions and qualification review, and bid evaluation standards. Eligible Chinese employees of foreign-invested enterprises can apply to join the government procurement review expert database.

Article 16

The relevant departments of science and technology of the people's government at or above the county level support foreign-invested enterprises to strengthen independent research and development and build high-level research and development institutions; encourage foreign-invested enterprises to establish joint research and development institutions with other enterprises, scientific research institutions, and colleges and universities to carry out research and development cooperation.

Foreign-invested enterprises shall equally participate in the application of R&D public service platform construction, government science and technology plan projects, etc., and enjoy supporting policy support.

Large-scale scientific research instruments and facilities and major scientific and technological infrastructure are open and shared to foreign investors and foreign-invested enterprises in accordance with national regulations.

Article 17

The commerce and other relevant departments of the Provincial People's Government shall, in accordance with the development strategy of the Guangdong-Hong Kong-Macao Greater Bay Area, give full play to the pilot role of the China (Guangdong) Pilot Free Trade Zone, explore experimental policies and measures for the protection of foreign investment rights and interests, and accumulate replicable Promote the experience.

Recognized overseas high-end talents and talents in short supply in the Guangdong-Hong Kong-Macao Greater Bay Area enjoy preferential measures such as entry, exit, and residence in accordance with regulations.

Article 18

The work permit for foreign high-end talents introduced by foreign-invested enterprises

may not be restricted by age, educational background or work experience in accordance with state regulations.

For foreign professionals introduced by foreign-invested enterprises to apply for work permits, restrictions on age, education, and work experience may be appropriately relaxed in accordance with state regulations.

Article 19

Administrative organs and organizations authorized by laws and regulations with functions of managing public affairs shall draft regulations, rules, normative documents and policies and measures involving foreign investment, and conduct fair competition review, and shall listen to foreign trade associations, chambers of commerce, foreign-invested enterprises and other stakeholders' opinions, or solicit opinions in a public manner.

Article 20

The relevant departments of commerce and market supervision and administration of the people's government at or above the county level shall compile and publish the catalogue of foreign-invested government service items and handling guidelines, so as to provide services and convenience for foreign investors and foreign-invested enterprises.

The handling guide shall specify the handling conditions and procedures, required materials, handling procedures and time limits, charging standards, contact information, and complaint channels for government service matters.

Government service matters that meet the application requirements and the main application materials are complete but the secondary materials are missing can be accepted.

Article 21

The people's governments at all levels and their relevant departments shall regulate the administrative inspection of foreign-invested enterprises, scientifically and reasonably set the frequency of law enforcement inspections on market supervision, labor inspection, environmental protection, production safety, fire safety, etc., in accordance with provincial regulations. Implement a comprehensive inspection system.

Article 22

The people's governments at all levels and their relevant departments shall encourage innovation, implement inclusive and prudent supervision over foreign investment involving new technologies, new industries, new forms of business, and new models, and formulate corresponding regulatory rules and standards for different situations.

Article 23

The people's governments at or above the county level shall unblock the channels for resolving disputes of foreign-invested enterprises, establish and improve a diversified dispute resolution mechanism that is organically connected and coordinated, such as mediation, arbitration, administrative adjudication, administrative reconsideration, and

litigation, so as to provide better services for foreign-invested enterprises. Provide efficient and convenient dispute resolution methods.

Article 24

Foreign investors and foreign-invested enterprises may file complaints against administrative agencies within the administrative region of this province, organizations authorized by laws and regulations to manage public affairs, and their staff for infringing on their legal rights and interests, and report investment environmental problems, and put forward suggestions for improving relevant policies and measures. The competent commerce department of the provincial people's government and the departments or institutions designated by the people's governments at the prefecture level and above the county level (hereinafter collectively referred to as the complaint work agencies) are responsible for coordinating and handling relevant complaints at different levels. Other relevant departments shall cooperate in the relevant work according to the division of responsibilities.

Article 25

Complaint agencies shall do the following work well:

- (1) Accepting complaints;
- (2) Coordinate the handling of complaints, and convene relevant departments to study the handling of major complaints;
- (3) Reporting major complaints to the people's government at the same level and the competent department at the next higher level, notifying the relevant units of the complaints and handling of the complaints, and making comments and suggestions;
- (4) To carry out statistics and analysis of complaints;
- (5) Other related complaints.

When a foreign investor or foreign-invested enterprise requests to keep corporate information and personal information confidential when filing a complaint, the complaint handling agency shall keep it confidential in accordance with the law.

Article 26

After receiving a complaint from a foreign investor or foreign-invested enterprise, the complaint work agency shall decide whether to accept the complaint within five working days, and notify the complainant in writing; if the complaint is not accepted, it shall explain the reasons.

The complaint work agency shall settle the accepted complaint matter within 20 working days from the date of acceptance of the complaint; if the matter is complicated and really needs to be postponed, the processing period may be appropriately extended in accordance with state regulations, and the complainant shall be informed of the reason for the extension.

When the complaint work agency coordinates the complaint matters, the administrative agency under complaint and the organization authorized by laws and regulations with the function of managing public affairs and its staff shall cooperate.

Article 27

Where people's governments at all levels and relevant departments fail to perform their duties in accordance with the law in the protection of foreign investment rights and interests, they shall be held accountable in accordance with laws and regulations, and the directly responsible persons in charge and other directly responsible persons shall be punished according to law.

Article 28

These Regulations shall come into force on March 1, 2022.