

Directory Catalogue on Readjustment of Industrial Structure

(2011 version) (Amendment)

Issued by National Development and Reform Commission on March 27, 2011, and amended in according to the *Decision of National Development and Reform Commission on Amending Certain Provisions of Directory Catalogue on Readjustment of Industrial Structure (2011)* on February 16, 2013.

I. Catalogue of Encouraged Investment Industries

(I) Agriculture, forestry and related industries

(II) Irrigation works

(III) Coal

(IV) Power

(V) New energy

(VI) Nuclear energy

(VII) Petroleum and natural gas

(VIII) Iron & steel

1. Exploration of ferrous metal mine alternative resource and technological development of key exploration.
2. Advanced technology development and application as to coal moisture control, wind selected humidity, ramming cokingand coke oven gas with using high added value, heart patient coal coking, dry quenching of coke, heat conduction oil heat, coking wastewater reuse treatment, coal tar deep processing, benzene hydrotreating, coal pitch needled system, tar hydrogenation processing and coke oven gas.
3. Non coking ironmaking.
4. Production of advanced PWR nuclear power tube, mw thermal power boiler tube,and High corrosion resistance chemical pipe production, corrosion resistant temperature compression oil well pipe, corrosion air pipe, high corrosion resistance chemical pipe.

5. Special steel bars and wires and high quality steel forged materials used for technology of high-performance, high quality and upgrade and update steel product development and application, including high strength car board with 600 million mpa level and above, high-performance oil and gas transmission pipeline steel, high strength and thick plate for ships, marine engineering with steel, plate structure of buildings and bridges with 420 million mpa level and above, High speed heavy load steel for railway, silicon steel which is low iron loss and high magnetic, anti-corrosive and wear resistance steel, saving alloy resource stainless steel, high performance basic parts.
6. The technology of on-line heated, controlled and forced cool new TMCP application.
7. Development and production of high power electrode with 600 mm diameter and above, micro hole and superfine hole carbon brick used for blast furnace, special graphite, graphitization cathode and graphitization furnace.
8. Production technology of economizing, longevity and environmental refractory using in coke oven, blast furnace and hot blast stove; production technology of low or no carbon refractory and efficient, continuous casting and environmental refractory using in purified steel.
9. On-line quality testing technology application in productive process.
10. Disposing waste using steel production equipment.
11. Multifunction dry removal of desulphurization, denitration and sintering flue gas, and recycling and reusing technology of byproduct.
12. Comprehensive utilize advanced productive technology of lean ore and

associated ore.

13. Comprehensive utilize advanced productive technology of metallurgy solid waste.
14. New productive technology of smelting iron alloy from low grade manganese ore, and RKEF productive technology of refining ferronickel from lateritic-nickel-ore.
15. Productive technology and equipment of recycling metallurgy waste liquid (including waste water, waste acid, waste oil, etc.).
16. Productive technology of new steel recycling development and application.
17. Gas dry degusting of blast furnace and converter.

(IX) Non-ferrous metal

1. Non-ferrous metal ore's alternation of resource exploration and key exploration technology development, In-depth exploration of shortage resources and mineral bed which is hard to explore
2. New smelting technology development of high efficiency, low consumption and low pollution
3. Comprehensive utilization of renewable resources recovery of high efficiency, energy saving, low pollution. (1) miscellaneous non-ferrous metal recycling (2) comprehensive utilization of the valuable element (3) comprehensive utilization of red mud and other smelting waste (4) extract aluminium oxide from alumina powder coal ash.
4. Production of information, new energy nonferrous metal new material.(1) information: polished section in more than 200 mm diameter, czochralski in more than 125 mm diameter or compound semiconductor materials, aluminum, copper tungsten molybdenum and other large size high purity silicon target material, very

large scale integrated circuit copper nickel silicon and copper chromium zirconium lead frame materials, electronic solder, etc. in diameter of 50 mm above (2) new energy: nuclear grade zirconium sponge and zirconium, secondary battery electrode material of high capacity and long life.

5. Production of nonferrous metal new material in transportation, high-end manufacturing, and other field.(1) transportation: precision copper alloy strip and high strength and high conductivity copper alloys with long wire, new type of high-strength, , corrosion resistant alloy materials for transportation tools main bearing structure and large size products with not less than 500 mpa compressive strength and not less than 80% IACS the conductivity (compressive strength of aviation aluminum alloy is not less than 650 mpa, aluminum alloy used in high speed train is not less than 500 mpa compressive strength).(2) the high-end manufacturing and other fields: high-performance nanometer carbide cutting tools and cutting tools on large grain size of hard shield and deep processing products, rare earths and precious metal catalyst materials, low modulus titanium alloy materials and memory alloy, such as biomedical materials, corrosion of copper alloy and titanium alloy materials for heat exchanger, high-performance rare earth magnetic materials and hydrogen storage materials and high-end application

(X) Gold

(XI) Chemical industry

(XII) Building materials

(XIII) Medicine

(XIV) Machinery

(XV) Urban rail transit equipment

(XVI) Auto

1, Automotive key parts: gasoline engine, supercharger, tire pressure monitoring system (TPMS), servo headlamp system, LED headlamps, digital instrumentation, electronic control system with electromagnetic valve actuator, low floor buses axle, air suspension, the energy absorption type steering system, frequency conversion air conditioning of large and medium-sized buses, and high strength steel wheels, truck

after the disc brake

2, Double clutch transmission (DCT), Auto Manual Transmission (AMT)

3, Lightweight materials application: high strength steel, aluminum and magnesium alloys, composite plastics, powder metallurgy, high strength composite fiber, etc.; Advanced forming technology application: the expand application of laser welding plate, internal high pressure forming, ultra high strength steel plate hot forming, the flexible rolling, etc; Environmental protection material application: water-based paint, lead-free solder, etc.

4, High efficiency diesel engines (under 3 L ≥ 50 kW/L, above 3 L ≥ 40 kW/L); Post-processing system (including particle trap type, oxidation and reduced catalysts); Auto controlled in-line fuel injection pump, auto controlled high pressure common rail injection system, auto controlled high pressure monomer pump and injectors, nozzles

5, High efficient gasoline engine (naturally aspirated engine liters power ≥ 60 kW/L, turbocharged petrol engine liters power ≥ 70 kW/L)

6, Key components of new energy car: energy power battery (energy density ≥ 110 wh/kg, cycle life ≥ 2000 times), battery cathode material (specific capacity ≥ 150 mAh/g, cycle life of ≥ 2000 times and less than 80% of the initial discharge capacity), battery diaphragm (thickness is 15 ~ 40 microns, porosity is 40% ~ 60%); Battery management system, motor management system, electric cars auto control integration; Electric vehicle drive motor (peak power density ≥ 2.5 kW/kg, high efficient area: 65% work efficiency $\geq 80\%$), vehicle DC/DC (input voltage 100 v ~ 400 v), high power electronic devices (IGBT, voltage level ≥ 600 v, electric current ≥ 300 A); Plug-in hybrid electromechanical coupling driving system

7, On-board Charger, off-board charger

8, Electric air conditioners, electric brake, power steering; Idling start-stop system

9, Automotive electronic control system: engine control system (ECU), transmission control system (TCU), anti-lock braking system (ABS), traction control (ASR), electronic stability program (ESP), bus control network, on-board breakdown diagnosis (OBD), electronic control intelligent suspension, electronic parking system,

automatic collision avoidance system, electronic throttle and so on.

10. Automotive product development, test, test equipment and facilities

(XVII) Vessel

(XVIII) Aviation and aerospace

(XIX) Light industry

(XX) Textile

(XXI) Building material

(XXII) Urban infrastructure and real estate

(XXIII) Railway

(XXIV) Roads and road transport (including urban passenger transport)

(XXV) Water transportation

(XXVI) Air transportation

(XXVII) Comprehensive transportation

(XXVIII) Information industry

(XXIX) Modern logistics industry

(XXX) Financial service industry

(XXXI) Technology service industry

(XXXII) Commercial Service Industry

(XXXIII) Commercial and Trade Service Industry

(XXXIV) Tourist industry

(XXXV) Post industry

(XXXVI) Education, culture, health, sports service industry

(XXXVII) Other service industry

(XXXVIII) Environmental protection and comprehensive resources utilization

(XXXIX) Public safety and emergency products

(XXXX) Explosive products

II. Catalogue of Restricted Investment Industries

(I) Agriculture and forestry industries

(II) Coal

(III) Power industry

(IV) Petroleum, petrochemical and chemical industries

(V) Information industry

(VI) Iron & steel

1. Coking project not equipped with coke dry quenching, coal loading, pushing focal and dust removal device synchronously;
2. Sintering machine less than 180 m² (ferroalloy sintering machine is excluded);
3. Blast furnace ironmaking with effective volume more than 400 m³, less than 1200 m³; blast furnace ironmaking failing to meet the standards, with effective volume 1200 m³ or above, without coal powder injection device, dust removal equipment, power generation device synchronously, energy consumption more than 430 kilograms standard coal per ton, fresh water consumption more than 2.4 m³ per ton;
4. Steel converter with nominal capacity more than 30 tons, less than 100 tons; Steel converter failing to meet the standards, with nominal capacity 100 tons or more without gas recovery and dust removal device synchronously, fresh water consumption more than 3 m³ per ton;
5. Electric furnace with nominal capacity more than 30 tons, less than 100 tons; Electric furnace failing to meet the standards, with nominal capacity 100 tons or more, without smoke recycling equipment synchronously, energy consumption more than 98 kilograms standard coal per ton, fresh water consumption more than 3.2 m³ per ton;
6. Hot rolled strip project less than 1450mm;
7. Hot galvanized steel sheet rolls project less than 300000 ton /year;
8. Colour coating plate roll project with 200000 ton per year and below;

9. refractory materials containing chromium;
10. graphite electrode pressure equipment with ordinary power and high power, baking equipment and production line;
11. high power graphite electrode production lines with diameter below 600 mm, or 20000 tons per year below;
12. pre-baked anode below 80000 tons per year (carbon block); normal cathode carbon blocks below 20000 tons per year; carbon electrode production lines below 40000 tons per year;
13. Pellet equipment below 1.2 million ton per year (ferroalloy pellet is excluded);
14. Height of top outfit coke oven chamber less than 6.0 meter, ramming coke oven chamber less than 5.5 meter, coking project below 1 million tons per year, heat recovery coke oven project, semi coke project with single stove below 75000 tons per year, each group below 300000 tons per year, total annual output below 600000 tons;
15. Medium/low carbon ferromanganese, electric furnace metal manganese, Medium/low carbon ferrochrome refining electric stove above 3000 kv, without the hot charging process;
16. Blast furnace femn below 300m³; blast furnace femn equal to 300m³ and above, but coke rate higher than 1320 kg per ton; Blast furnace and ferromanganese enterprise with scale less than 100000 ton per year;

17. calcium-silicon and silicon calcium sulphoaluminate aluminum alloy ore-smelting electric furnace below 12500 kva; ore-smelting electric furnace above 12500 kva but calcium silicon alloy power consumption higher than 11000 KWH/tons;
18. Silicon aluminium alloy ore-smelting electric furnace below 16500 kva; silicon aluminium alloy ore-smelting electric furnace equal to 16500 kva, but Silicon aluminium alloy power consumption higher than 9000 KWH per ton;
19. Ordinary ferroalloy ore hot electric furnace below 2 x 25000 kva; Ordinary ferroalloy ore hot electric furnace with three-phase or three single-phase energy-efficient equipment in which the transformer do not use multistage surge in electric above 2 x 25000 kv, process operation mechanization and automation control has not been realized, ferrosilicon power consumption higher than 8500 KWH per ton, industrial silicon power consumption higher than 12000 KWH per ton, Electric furnace ferroalloy power consumption higher than 2600 KWH per ton, silicomangan alloy power consumption higher than 4200 KWH per ton, highcarbon ferrochrome power consumption higher than 3200 KWH per ton, silicochrome power consumption higher than 4800 KWH per ton
20. electrolytic manganese metal leaching process for discontinuous leaching and discontinuous send liquid; electrolytic manganese metal single production line below 10000 ton per year (one transformer), the enterprises with total production scale of electrolytic manganese metal below 30000 ton per year.

(VII) Non-ferrous metals

1. Construction and expansion of project of mining and smelting of tungsten, molybdenum, tin, antimony, mining, mineral processing, smelting and separation project of rare earth, production project of antimony oxide, tin solder.
2. Crude copper smelting project with a single unit size of 100000 tons/year
3. Electrolytic aluminum project (except self-baked cell production capacity

replacement project and optimize industrial distribution project)

4. Lead smelting project (except a single unit size > 50000 tons/year, and without new capacity of technical improvement and environmental renovation project)

5. Zinc smelting project with a single unit size of 100000 tons/year (except direct extraction)

6. Magnesium smelting project (except the comprehensive utilization project)

7. Project of independent carbonaceous materials used in the production of aluminium of below 100000 tons/year

8. Secondary lead project with a new single series of production capacity less than 50000 tons/year, reconstruction and single series of production capacity less than 20000 tons/year, and secondary lead project that cannot meet the conditions required for admittance into industries such as resource utilization, energy consumption and environmental protection

(VIII) Gold

(VIX) Building Materials

(X) Medicine

(XI) Machinery

(XII) Light Industry

(XIII) Textile

(XIV) Tobacco

(XV) Fire Protection

(XVI) Explosion Production

(XVII). Other

III Catalogue of Eliminated Investment Industries

Note: the year in the bracket follow the item is time limit of elimination

(I) Backward productive technology equipment

(I) Agriculture and forestry and related industries

(II) Coal

(III) Power

(IV) Petroleum, natural gas and chemical industry

(V) Iron & Steel

(VI) Non-ferrous metals

1. Zn refining or producing Zinc oxide craft equipment with backward means, bake with Muffle, manger furnace, traverse pot, and small perpendicular pot etc, and collect dust with simplified condensation facilities.
2. Hg refining with such backward means as iron pot, clay kitchen range, distillation can, crucible furnace, and simplified condensation dust collection facilities.
3. Arsenic trioxide refining or producing metal arsenic craft equipment with pit furnace or crucible furnace and simplified condensation dust collection facilities.
4. Aluminum self-baking electro bath and Pre-baked slot with 100KA or below (2011)
5. Electric furnace, blast furnace and reverberator copper smelting process and facilities (2011)
6. Dry purification with acid-making system by using smelting gas and hot concentrated acid washing technology
7. Antimony refining with such backward means as pit furnace, crucible furnace and hess furnace
8. Lead refining technology and facilities with such backward means as sintering pot,

sintering pan, and simplified blast furnace

9. Recycled aluminum alloy and recycled lead melting technology with crucible furnace

(VII) Gold

(VIII) Building material

(IX) Medicine

(X) Machinery

(XI) Vessel

(XII) Light Industry

(XIII) Textile

(XIV) Printing

(XV) Explosion Production

(XVI) Fire Protection

(XVII) Other

II. Backward products

(I) Petroleum, natural gas and chemical product

(II) Railway

(III) Steel

(IV) Non-ferrous metal

1. Copper rod (black)

(V) Building material

(VI) Medicine

(VII) Machinery

(VIII) Vessel

(VIX) Light Industry

(X) Fire Protection

(XI) Explosion Production

(XII) Other

Notice of the General Office of the State Council on the Main Functions and the Adjustment of the Members of the Customs Tariff Commission of the State Council

(No.20 [2008] of the General Office of the State Council)

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

The Customs Tariff Commission of the State Council is an advisory and coordinating organ of the State Council, and its main functions are: be responsible for readjusting and interpreting tariff items, tariff nomenclature heading numbers and tariff rates in the Import and Export Tariff of the People's Republic of China and the Table of Import Tariff Rate of the People's Republic of China on Goods Entering into the Territory, which shall take effect upon the approval of the State Council; decide on the goods subject to temporary tariff rates, the tariff rates and time limit; decide the rate of tariff quota; decide the imposition of antidumping duties, countervailing duties, duty under safeguard measures, retaliatory duties and decide on the implementation of other measures relating to customs duties; approve the program on the application of the preferential tariff rate to the relevant countries and regions ; review the important tariff policies and the external negotiation program reported to the State Council; decide on the application of tariff rates under special circumstances, and exercise other functions as provided for by the State Council.

According to the establishment of the organs and the personnel changes, the State Council decides to readjust the members of the Customs Tariff Commission of the State Council correspondingly. The readjustment is now notified as follows:

Director: Xie Xuren minister of the Ministry of Finance

Deputy Director: You Quan under-secretary general of the State Council

Commissioners: Zhang Xiaoqiang deputy director of the Development and Reform Commission

Fu Ziying vice minister of the Ministry of Commerce

Lou Qinjian vice minister of the Ministry of Industry and Informatization

Wang Min vice minister of the Ministry of Land and Resources
Niu Dun vice minister of the Ministry of Agriculture
Sun Songpu deputy director of the General Administration of Customs
Dong Shukui chief economist of the Administration of Taxation
Song Dahan deputy director of the Legislative Affairs Office
Zhu Guangyao assistant minister of the Ministry of Finance

The Ministry of Finance shall assume the specific work of the Customs Tariff Commission of the State Council. From now on, in case any of the commissioners of the Customs Tariff Commission of the State Council needs readjustment, the entity to which he (she) belongs shall give its opinions, which shall be approved by the director of the Customs Tariff Commission of the State Council.

General office of the State Council

April 14, 2008

国务院办公厅关于国务院关税税则

委员会主要职责和调整组成人员的通知

(国办发[2008]20 号)

各省、自治区、直辖市人民政府，国务院各部委、各直属机构：

国务院关税税则委员会为国务院的议事协调机构，其主要职责是：负责《中华人民共和国进出口税则》和《中华人民共和国进境物品进口税税率表》的税目、税则号列和税率的调整 and 解释，报国务院批准后执行；决定实行暂定税率的货物、税率和期限；决定关税配额税率；决定征收反倾销税、反补贴税、保障措施关税、报复性关税以及决定实施其他关税措施；批准有关国家、地区适用税则优惠税率的方案；审议上报国务院的重大关税政策和对外谈判方案；决定特殊情况下税率的适用，以及履行国务院规定的其他职责。

根据机构设置和人员变动情况，国务院决定对国务院关税税则委员会组成人员进行相应调整。现将调整后的名单通知如下：

主 任：谢旭人 财政部部长

副主任：尤 权 国务院副秘书长

委 员：张晓强 发展改革委副主任

傅自应 商务部副部长

娄勤俭 工业和信息化部副部长

汪 民 国土资源部副部长

牛 盾 农业部副部长

孙松璞 海关总署副署长

董树奎 税务总局总经济师

魏传忠 质检总局副局长

宋大涵 法制办副主任

朱光耀 财政部部长助理

国务院关税税则委员会具体工作由财政部承担。今后，国务院关税税则委员会委员如需调整，由所在单位提出意见，由国务院关税税则委员会主任审批。

国务院办公厅□

二 00 八年四月十四日

chl_105920

Regulations of the People's Republic of China on Import and Export Duties

Order of the State Council of the People's Republic of China

No. 392

The Regulations of the People's Republic of China on Import and Export Duties, which were adopted at the 26th executive meeting of the State Council on October 29, 2003, are hereby promulgated and shall be implemented as of January 1, 2004.

Wen Jiabao Premier

November 23, 2004

Regulations of the People's Republic of China on Import and Export Duties

Chapter I. General Provisions

Article 1. For the purposes of implementing the policy of opening to the outside world, promoting the development of foreign economic relations and trade as well as the national economy, the present Regulations are formulated in accordance with the Customs Law of the People's Republic of China (hereinafter referred to as the Customs Law).

Article 2 All goods permitted to be imported into or exported out of and all articles allowed to enter into the People's Republic of China shall, unless otherwise provided for by the State Council, be subject to payment of customs duties on imports or exports in accordance with the present Regulations.

Article 3 The tariff items, tariff nomenclature heading numbers and tariff rates as provided in the Customs Import and Export Tariffs of the People's Republic of China (hereinafter referred to as the Tariffs) and the Import Tariff Rates of the People's Republic of China for Entry Articles (hereinafter referred to as the Import Tariff Rates for Entry Articles) which are formulated by the State Council shall form an integral part of the present Regulations.

Article 4 The Customs Tariff Commission shall be established by the State Council. It is responsible for readjusting and interpreting tariff items, tariff nomenclature heading numbers and tariff rates in the Tariffs and the Import Tariff Rates for Entry Articles, which shall take effect upon the approval of the State Council; it decides on the goods subject to temporary tariff rates, the tariff rates and time limit; it decides on the rate of tariff quota, the imposition of antidumping duties, countervailing duties, duty under safeguard measures, retaliatory duties; decides on the implementation of other measures relating to customs duties and the application of tariff rates under special circumstances, and exercises the other functions as provided for by the State Council.

Article 5 The consignees of imported goods, the consignors of exported goods and the owners of entry articles are obligatory customs duty payers.

Article 6 The customs and the functionaries shall, in accordance with the statutory powers and legal procedures, exercise their functions of collecting the customs duties, safeguard

the interests of the state, protect the legitimate rights and interests of the customs duty payers, and accept supervision in accordance with the law.

Article 7 Any customs duty payer shall be entitled to request the customs office to keep its commercial secrets to itself, and the customs shall do so in accordance with the law.

Article 8 In accordance with relevant regulation, the customs shall award the entities and individuals who disclose or help to find the acts in violation of the present Regulations.

Chapter II. Establishment and Application of Tariff Rates for Import and Export Goods

Article 9 Import tariffs consist of the most-favoured-nation tariff rate, conventional tariff rate, preferential tariff, general tariff rate and quota tariff rate, etc. Temporary tariff rates may be applied to import goods within a certain time limit.

Export tariff rates are set up in export duties. Temporary tariff rates may be applied to export goods within a certain time period.

Article 10 The most-favoured-nation tariff rate shall be applicable to the import goods whose place of origin is a member of the WTO, to whom the clause of the most-favoured-nation is commonly applicable, and the import goods whose place of origin is a country or region that has concluded with the People's Republic of China a bilateral trade agreement that contains clauses reciprocal most-favoured-nation treatment, and the import goods whose place of origin is within the People's Republic of China.

The conventional tariff rate shall be applicable to the import goods whose place of origin is a country or region that has established with the People's Republic of China a trade agreement that contains clauses of preferential duty.

The special tariff rate shall be applicable to the import goods whose place of origin is a country or region that has established with the People's Republic of China a trade agreement that contains clauses of special preferential duty.

The general tariff rate shall be applicable to the import goods other than those as listed in Paragraphs 1 through 3 of this Article and the import goods whose place of origin is unknown.

Article 11 Where a temporary tariff rate is set up for the import goods, to which the most-favored-nation tariff rate applies, the temporary tariff rate shall prevail. For the import goods to which the conventional tariff rate or the preferential tariff rate applies, the lower one shall prevail. With regard to the import goods to which the general tariff rate applies, the temporary tariff rate shall not apply.

Where a temporary tariff rate is set up for the export goods, to which the export tariff rate applies, the temporary tariff rate shall prevail.

Article 12 With regard to the import goods subject to tariff quota management in accordance with the provisions of the state, for those within the tariff quota, the quota tariff

rate shall apply; and for those beyond the tariff quota, the applicable tariff rates shall be in line with Articles 10 and 11 of the present Regulations.

Article 13 With regard to the import goods, against which antidumping, countervailing or safeguard measure are taken in accordance with relevant laws and administrative regulations, the applicable rates shall be in line with the Antidumping Regulations of the People's Republic of China, the Countervailing Regulations of the People's Republic of China and the Regulations on Safeguard Measures of the People's Republic of China.

Article 14 With regard to a country or region that bans, limits, imposes additional duties or takes any other measures that affect the normal trade with the People's Republic of China in violation of the trade agreement or relevant convention established with the People's Republic of China or both parties have joined, a retaliatory duty may imposed on the import goods whose place of origin is the country or region, and the retaliatory duty rate shall apply.

The goods, applicable countries or regions, duty rates, time limits and collection measures shall be decided and announced by the Customs Tariff Commission.

Article 15 With regard to the import and export goods, the valid tariff rate of the day when the customs accepts the import declaration or export declaration shall be applicable.

Where an import declaration is filed before the import goods arrives upon the approval of the customs, the valid tariff rate of the day when an entry declaration is filed for the means of transportation that carries the goods shall apply.

The date of the application of the tariff rate for transit goods shall be separately provided for by the General Administration of Customs.

Article 16 When it is required to pay duties under any of the following circumstances, the tariff rate of the day when the customs accepts the declaration and handles the formalities for the payment of duties shall apply:

- (1) Where, upon approval, the bonded goods are not to be re-carried out of China;
- (2) Where the goods that enjoy exemption or reduction of duties are transferred to others or whose purpose of use is changed upon approval;
- (3) Where, upon approval, the goods that are permitted to enter into China temporarily are not to be re-carried out of China and where, upon approval, the goods that are permitted to exit China temporarily are not to be re-carried into China;
- (4) Where the import goods are leased and the duties are paid by installments.

Article 17 The applicable tariff rates for the makeup or refund of import or export duties shall be determined in accordance with Article 15 or Article 16 of the present Regulations.

Where an obligatory duty payer is required to pay a duty due to violating the present Regulations, the tariff rate of the day when the violation occurs shall apply. If it is unable to determine the exact day when the violation occurs, the tariff rate of the day when the customs discovers the violation shall apply.

Chapter III. Determination of Dutiable Value for Import and Export Goods

Article 18 The dutiable value for import goods shall be examined and determined by the customs on the basis of the transaction value in line with the requirements as prescribed in the Paragraph 3 of this Article, and the freight, the associated expenses and the insurance premiums incurred prior to the arrival and unloading of the goods at the destination within the People's Republic of China.

The transaction value of import goods refers to the actual total amount of the price, including the direct payments and indirect payments, that the buyer within the People's Republic of China shall pay the seller for the goods after readjustments have been made in accordance with Articles 19 and 20 of the present Regulations.

A transaction value of import goods shall meet the following conditions:

- (1) There is no limitation to the disposal and use of the buyer except for the limitations as prescribed in the laws and administrative regulations, the geographic limitation on the resale of goods and those without material impact on the price of goods;
- (2) It isn't unable to determine the transaction value of the goods due to tied sale or other factors;
- (3) The seller shall not directly or indirectly get any yields from the resale, disposal or use of the goods after import, or the seller may have some yields, but adjustments may be made in accordance with Article 19 or 20 of the present Regulations.
- (4) There is no special relationship between the buyer and seller, or although there is any, it does not affect the transaction value.

Article 19 The following expenses on import goods shall be included into the dutiable value:

- (1) The commission and brokerage other than the commission on the purchase of goods that shall be paid by the buyer;
- (2) The expenses that shall be paid by the buyer for the containers that are considered as a integrated part of the goods when the dutiable value is examined and determined;
- (3) The expenses for packing materials and packing labor that shall be paid by the buyer;
- (4) The value of the materials, tools, moulds, consumable materials and like goods that relate to the production of the goods and the sale within the People's Republic of China and that are provided by the buyer gratuitously or at a price lower than the costs and may be apportioned according to a reasonable rate, and the expenses of relevant expenses such as the development and design outside China, etc.;
- (5) The franchise royalties related to the goods that shall be paid by the buyer as a precondition for the sale of goods within the People's Republic of China;
- (6) The yields directly or indirectly procured by the seller from the resale, disposal or use of the goods after import.

Article 20 The following duties, taxes, and expenses specified in the price of the goods in the process of import shall not be included into the dutiable value:

- (1) The expenses of construction, installation, assembly, maintenance and technical services after importing such goods as workshops, machines, and equipments, etc.;
- (2) The freight and related expenses and insurance premiums after the arrival and unloading of the import goods at the destination within the People's Republic of China;
- (3) Import duties and domestic taxes.

Article 21 Where the transaction value of the import goods doesn't meet the requirements as prescribed in Paragraph 3 of Article 18 of the present Regulations, or the transaction value is unable to be determined, the customs shall assess the dutiable value of the goods in light of the following values arranged in descending order of precedence after it has learnt of relevant information and negotiated with the obligatory duty payer about the price:

- (1) The transaction price of the identical goods sold to a buyer within the People's Republic of China at the same time or nearly at the same time;
- (2) The transaction price of the like goods sold to a buyer within the People's Republic of China at the same time or nearly at the same time;
- (3) At the same time or nearly at the same time when the goods is imported, the unit price of the import goods, the identical or like import goods in the maximal quantity sold to the buyer without special relationship in the first link of distribution, in which the items as listed in Article 22 of the present Regulations shall be deducted;
- (4) The price calculated according to the summation of the items, including the costs of the materials in producing the goods, and the processing expenses, the general profit and the general expenses in selling goods of the same grade or like goods to a buyer within the People's Republic of China, the freight, the associated expenses and the insurance premiums incurred prior to the arrival and unloading of the goods at the destination within the People's Republic of China;
- (5) The price assessed by any other reasonable method.

After the obligatory duty payer has submitted relevant materials to the customs, it may file an application to the customs for reversing the applicable order of precedence between Items 3 and 4 of the preceding paragraph.

Article 22 For the dutiable value assessed according to the Item 3 of Paragraph 1 of Article 21 of the present Regulations, the items that shall be deducted refer to:

- (1) The general profit, expenses and commission of the first link of distribution of the goods of identical grade or like goods sold to the buyers within the People's Republic of China;

(2) The freight, the associated expenses and the insurance premiums after the arrival and unloading of the import goods at the destination within the People's Republic of China;

(3) Import duties and domestic taxes.

Article 23 With regard to the goods imported by means of lease, the rent of the goods as verified and determined by the customs shall be the dutiable value.

Where the obligatory duty payer requests to pay the duty in a lump sum, it may choose to have the dutiable value assessed in accordance with Article 21 of the present Regulations or to deem the total amount of rent as verified and determined by the customs as the dutiable value.

Article 24 With regard to the goods carried abroad for processing, if they are declared to the customs and re-carried into China within the time limit as specified by the customs, the dutiable value shall be verified and determined on the basis of the overseas processing fees, the costs of the spare parts and raw materials used, and the freight, the associated expenses and the insurance premiums for re-carrying the goods into China.

Article 25 With regard to the machines, tools, means of transportation or any other goods carried abroad for maintenance, if they are declared to the customs and re-carried into China within the time limit as specified by the customs, the dutiable value shall be verified and determined on the basis of the overseas maintenance fees and the costs of the spare parts and raw materials used.

Article 26 The dutiable value of export goods shall be examined and determined by the customs on the basis of the transaction value of the goods, and the freight, the associated fees and insurance premiums incurred prior to the arrival and unloading of the goods at the destination within the People's Republic of China.

The transaction value of export goods refers to the total amount of the price that shall be directly or indirectly paid by the buyer to the seller for the export goods.

Export duties shall not be included into the dutiable value.

Article 27 Where the transaction value of the export goods is unable to be determined, the customs shall assess the dutiable value of the goods in light of the following prices arranged in descending of precedence after it has learnt of relevant information and negotiated with the obligatory duty payer about the price:

(1) The transaction price of the identical goods exported to the same country or region at the same time or nearly at the same time;

(2) The transaction price of the like goods exported to the same country or region at the same time or nearly at the same time;

(3) The price calculated according to the summation of the items, including the domestic costs of the materials in producing the identical or like goods and the processing

expenses, the general profit and the general expenses, and the freight, associated expenses and insurance premiums incurred within China;

(4) The price assessed by any other reasonable method.

Article 28 The costs, expenses, duties and taxes that are included into or excluded from the dutiable value in accordance with the present Regulations shall be based on objective and quantifiable data.

Chapter IV. The Collection of Import and Export Duties

Article 29 An obligatory duty payer of import goods shall, within 14 days from the day when the means of carriage declares for entry, file a declaration to the customs office of the place of entry. An obligatory duty payer of export goods shall, unless approved otherwise by the customs office, file a declaration to the customs office of the place of exit after the goods arrive at the administrative area of the customs but 24 hours prior to the loading of goods. As for transit import and export goods, the regulations of the General Administration of Customs shall be implemented.

Prior to the arrival of the import goods, the obligatory duty payer may file a declaration in advance upon approval of the customs. The specific measures shall be separately formulated by the General Administration of Customs.

Article 30 In accordance with the law, an obligatory duty payer shall faithfully declare to the customs and provide the materials required for determining the dutiable value, classifying the commodities, determining the place of origin and taking antidumping, countervailing or safeguard measures. Where necessary, the customs may demand the obligatory duty payer to make supplementary declarations.

Article 31 An obligatory duty payer shall, in accordance with the table of contents, stipulations, the general principle of classification, category notes, chapter notes, subheading notes and any other classification notes, classify the import or export goods that it declares, and put them under the corresponding tariff nomenclature heading numbers. The customs shall examine and determine the commodity classification of the goods in accordance with the law.

Article 32 The customs may demand an obligatory duty payer to offer relevant materials required for determining the classification of the commodities. Where necessary, the customs may organize laboratory tests and inspections, and take the results of test and inspection as the basis of determining the classification of the commodities.

Article 33 In order to examine the authenticity and exactness of the declared value, the customs may inquire into and copy the contracts, invoices, account books, evidences of settlement and payment vouchers, instruments, business letters and telephones, audio-visual products and other materials reflecting the relationship between the buyer and seller and the transactions involved.

Where the customs is doubtful about the declared value of an obligatory duty payer and if the amount of the duty involved is quite large, the customs may, upon the approval of the

director of the customs directly under the General Administration of Customs or of the authorized director of its subordinate customs, inquire into the fund flow reflected in the accounts opened by the obligatory duty payer in the banks or any other financial institutions upon the strength of the assistance inquiry account notice in a uniform format of the General Administration of Customs and the employees' cards of the relevant functionaries, and shall inform the banking regulatory institutions of the relevant information.

Article 34 Where the customs office is doubtful about the price declared by an obligatory duty payer, it shall notify the obligatory duty payer the reasons in written form, demand it to make written explanations or provide relevant materials within a prescribed time limit.

If the obligatory duty payer fails to make any explanation or provide relevant materials within the specified time limit, or it is still reasonable for the customs to be doubtful about the authenticity and exactness of the declared value, the customs may refuse to accept the value as declared by the obligatory duty payer, and may assess the dutiable value in accordance with Chapter III of the present Regulations.

Article 35 After the customs has examined and determined the dutiable value of the import or export goods, the obligatory duty payer may request the customs, in written form, to make written explanations about how to determine the dutiable value of the import or export goods. The customs shall make written explanations to the obligatory duty payer.

Article 36 The import and export duties may be collected by ad valorem or by quantity or by any other means as provided by the state.

If collected by ad valorem, the formula is: Payable Duties = Dutiable Value \times Tariff Rate

If collected by quantity, the formula is: Payable Duties = Quantity of Goods \times Unit Duty Value

Article 37 An obligatory duty payer shall pay the duties in the designated bank within 15 days from the day when the customs fills in and issues a duty payment form. If it fails to pay the duties within the time limit, it shall pay a late fee of 0.05% of the amount of the defaulted duties per day from the day when the duties are in default.

The customs may make an announcement about the information of the obligatory duty payers who default the duties.

The customs shall issue receipts when collecting customs duties and late fees. The formats of the receipts shall be formulated by the General Administration of Customs.

Article 38 The customs duties and late fees shall be calculated and collected in terms of RMB.

Where the transaction value of import or export goods and the associated expenses are calculated in terms of a foreign currency, the dutiable value shall be calculated by converting the transaction value and the associated expenses into RMB according to the basic exchange rate announced by the People's Bank of China. If the transaction value of

import or export goods and the associated expenses are calculated in terms of a foreign currency beyond the scope of foreign currencies of basic exchange rate, the dutiable value shall be calculated by converting them into RMB in accordance with relevant regulation of the state. The date of the applicable exchange rate shall be provided for by the General Administration of Customs.

Article 39 Where an obligatory duty payer fails to pay the duties because of force majeure or the change of duty policies of the state, it may, upon approval of the General Administration of Customs, extend the time limit for the payment of the duties, but the extended period shall not exceed 6 months.

Article 40 If any clear evidence shows that an obligatory duty payer of import or export goods transfers or conceals the dutiable goods or other properties during the time period for paying duties, the customs may order the obligatory duty payer to provide a guaranty. If the obligatory duty payer fails to provide a guaranty, the customs may take duty preservation measures in accordance with Article 61 of the Customs Law of the People's Republic of China.

Where the obligatory duty payer or the guarantor still fails to pay the duties 3 months after the expiration of time limit for paying the duties, the customs may take mandatory measures in accordance with Article 60 of the Customs Law.

Article 41 With regard to the materials imported for processing trade, if they are imported under the provisions of the state on bonded imports, and if the finished products or the import materials fail to be exported within the specified time limit, the customs shall collect import duties in accordance with relevant provisions.

Where import duties are paid for the materials imported for processing trade when they enter into the territory of China in accordance with the provisions of the state, and the finished products or the import materials are exported within the specified time limit, the customs shall refund the duties collected on entry.

Article 42 Any of the following goods permitted to enter or exit China temporarily by the customs, if the obligatory duty payer shall pay the customs office a sum of caution money equivalent to the value of the duties payable or provides other guaranty, it may be allowed not to pay the duties for the time being, but shall re-carry the goods into or out of China within 6 months as of the day of entry or exit. Upon the application of the obligatory duty payer, the customs may extend the time limit for re-carrying the goods out of or into China in accordance with the provisions of the General Administration of Customs.

- (1) The goods exhibited or used in exhibitions, trade fairs, meetings and other similar activities;
- (2) The articles used in performances or competitions in cultural or sports exchange activities;
- (3) The instruments, equipment and articles used in making news reports or in producing films or TV programs;

- (4) The instruments, equipment and articles used in scientific research, teaching or medical activities;
- (5) The means of transport and special vehicles used in the activities as listed in Paragraphs 1 – 4 of this Article;
- (6) The samples of goods;
- (7) The instruments and tools used in installing, trial running and testing equipment;
- (8) The containers of the goods; and
- (9) Other goods used for non-commercial purposes.

If the goods permitted to enter China temporarily as listed in Paragraph 1 aren't re-carried out of China within the specified time limit, or the goods permitted to exit China temporarily aren't re-carried into China within the specified time limit, the customs shall collect duties in accordance with the law.

With regard to other goods permitted to enter China temporarily which are beyond the scope of good exempted from customs duties for the time being as listed in Paragraph 1, the duties on the goods shall be calculated and collected according to the dutiable value and the ratio between the time when the goods stay in China and the depreciation time. The specific measures shall be formulated by the General Administration of Customs.

Article 43 If, due to quality or specifications reasons, any of the export goods is re-carried into China in its original form within 1 year as of the day when they were exported, it is not subject to import duties.

If, due to quality or specifications reasons, any of the export goods is re-carried out of China in its original form within 1 year as of the day when they were imported, it is not subject to export duties.

Article 44 With regard to the goods compensated without further charge or the identical goods gratuitously replaced by the consigner of the import or export goods, the carrier or the insurance company because of damage, shortage, poor quality or incompatible specifications, no duty shall be collected when they are imported or exported. For the gratuitously replaced original import goods that are not to be re-carried outside China or the original export goods that are not to be re-carried into China, the customs shall impose duties on the original import or export goods in accordance with relevant regulation.

Article 45 The following import and export goods are duty-free:

- (1) Where the customs duty of goods under a single invoice is not more than RMB 50;
- (2) The articles that are for advertising purposes or to be used as samples and therefore of no commercial value;
- (3) The materials gratuitously donated by foreign governments or international organizations;
- (4) The goods damaged prior to the customs clearance;

(5) The fuel, materials, food and drinks necessary for the journey and carried by the means of transport that enter into or exit China;

With regard to the goods damaged prior to the customs clearance, the duties may be reduced on the basis of the seriousness of the damages as determined by the customs.

With regard to other goods exempt from duties or at reduced duties as provided for in law, the customs shall exempt them from duties or reduce the duties in accordance with relevant provisions.

Article 46 With regard to the reduction or exemption of duties and the temporary reduction or temporary exemption of duties on the import goods or export goods of special areas, special enterprises or specified purposes, the relevant provisions of the State Council shall be implemented.

Article 47 With regard to the reduction or the exemption of import link taxes levied by the customs on the import goods, the provisions of relevant laws and administrative regulations shall be implemented.

Article 48 With regard to the import or export goods exempt from duties or at reduced duties, the obligatory duty payer shall, unless otherwise provided for, go through the duty exemption or reduction formalities for examination and approval at the customs upon the strength of relevant documents in accordance with the provisions before the goods are imported or exported.

Article 49 With regard to the duty-exempted or duty-reduced import goods whose use is subject to the supervision of the customs, if they are transferred or if their purposes of use are changed within the term of supervision and thus it is necessary to make up the duties, the customs shall depreciate and assess the duties according to the import time, and make up the import tariffs.

The term of supervision for the special duty-exempted or duty-reduced import goods shall be provided for by the General Administration of Customs.

Article 50 Under any of the following circumstances, an obligatory duty payer may file an application for the refund of customs duties within 1 year from the day when it pays the duties, and shall present the reasons to the customs in written form and provide the original receipt of the payment of duties and other relevant materials.

(1) The duty-paid import goods that are re-carried out of China in their original forms due to quality or specifications reasons;

(2) The export-duty-paid export goods that are re-carried into China in their original forms due to quality or specifications reasons and have already repaid the domestic link export rebates;

(3) The export-duty-paid goods that fail to be loaded and exported for any reason, for which an application is filed for canceling the declaration.

The customs shall, within 30 days from the day when it receives an application for the refund of duties, verify the information and notify the obligatory duty payer of the refund formalities. The obligatory duty payer shall go through the relevant refund formalities within 3 months from the day when it receives the notice.

With regard to other customs duties that shall be refunded in accordance with any law or administrative regulation, the customs shall refund them in accordance with the law or administrative regulation.

Article 51 Where the customs finds the duties underpaid or missed after the clearance of the import or export goods, it shall, within 1 year from the day when the duties are paid or when the customs clearance is made, demand the obligatory duty payer to make up the duties. But under the circumstance that the duties are underpaid or missed due to the obligatory duty payer's violation of relevant provisions, the customs may demand the obligatory duty payer to make up the underpaid or missed duties within 3 years from the day when the duties are paid or when the customs clearance is made, and charge a late fee of 0.05 % of the amount of the underpaid or missed duties per day from the day when the duties are paid or when the customs clearance is made.

Where the customs finds that the duties on the goods under its supervision are underpaid or missed due to the obligatory duty payer's violation of relevant provisions, it shall demand the obligatory duty payer to make up the duties within 3 years as of the payable day of the duties, and shall charge a late fee of 0.05 % of the amount of the underpaid or missed duties per day from the payable day.

Article 52 Where the customs finds any overpaid duties, it shall inform the obligatory duty payer to go through duty refund formalities immediately.

Where an obligatory duty payer finds any overpaid duties, it may, within 1 year from the day when the duties were paid, request the customs to refund the overpaid duties and pay the current deposit interest for the same period in written form. The customs shall verify the information and notify the obligatory duty payer of the refund formalities within 30 days from the day when it accepts the application.

The obligatory duty payer shall go through the refund formalities within 3 months from the day when it receives the notice.

Article 53 Where any duties and interest to be refunded, in accordance with Articles 50 and 52 of the present Regulations, involves the refund from the state treasury, the provisions of the relevant laws and administrative regulations on state treasury shall be implemented.

Article 54 Where a customs declaration enterprise accepts the entrustment of an obligatory duty payer and goes through the formalities for customs declaration and duty payment in its own name, it and the obligatory duty payer shall bear joint and several liabilities for the payment of duties.

Where a customs declaration enterprise accepts the entrustment of an obligatory duty payer and handles the customs declaration and duty payment formalities in the name of the customs declaration enterprise, the customs declaration and obligatory duty payer shall take joint and several liabilities.

Where any goods subject to the supervision of the customs are damaged or lost within the term when they are under the supervision of the customs, unless they are damaged or lost as a result of force majeure, the persons who are obligatory to keep the goods shall be liable for paying the corresponding duties.

Article 55 Where an obligatory duty payer who owes duties is to be merged or divided, it shall, prior to the merger or division, report to the customs and pay off the duties in accordance with the law. If the obligatory duty payer fails to pay off the duties when it is merged, the post-merger legal person or other organization shall keep on performing the obligation of paying the duties that should have been paid. If the obligatory duty payer fails to pay off the duties when it is divided, the post-division legal person or other organization shall bear the joint liabilities for paying the duties that should have been paid.

With regard to the duty-exempted goods or duty-reduced goods or bonded goods, if the obligatory duty payer is merged, divided or under any other asset restructure circumstances within the term of supervision, it shall report to the customs office concerned. If it is necessary to pay duties in accordance with relevant provisions, it shall pay off the duties in accordance with the law. If it may continue to enjoy the duty exemption or reduction or bonded enterprise treatments in accordance with relevant provisions, it shall go through the formalities for altering the obligatory duty payer in the customs.

Where an obligatory duty payer owes duties, or is cancelled, dissolved, bankrupt or terminated in any other lawful circumstances within the supervision term of the duty-exempted or duty-reduced goods or the bonded goods, it shall report to the customs office concerned prior to liquidation. In accordance with the law, the customs shall check up the payable duties of the obligatory duty payer and make them paid off.

Chapter V. The Collection of Import Tariffs on Entry Articles

Article 56 The customs duties and import link taxes collected by the customs instead of others are consolidated as import tariffs, which shall be collected by the customs.

Article 57 Where any of the entry articles is for the self-use of an individual and is within the scope of reasonable quantity as provided for by the General Administration of Customs, the obligatory duty payer of the articles shall pay the import tariffs before the articles are permitted to enter into China.

With regard to the entry goods for self-use purposes that exceed the quota as prescribed by the General Administration of Customs but remains within a reasonable scope of quantity, the import duties shall be paid by the obligatory duty payer of the entry goods prior to the release of the goods according to relevant provisions.

With regard to the entry articles exceeding the reasonable and self-use quantity, the relevant formalities shall be gone through by referring to the import goods in accordance with the law.

With regard to the entry articles subject to payment of duties of goods as specified by the Customs Tariff Commission of the State Council, the duties shall be collected in accordance with Chapters 2 – 4 of the present Regulations.

Article 58 An obligatory duty payer of the articles on entry refers to the person who carries the articles on entry, the consignee of the posted articles on entry or any other consignee of the articles on entry by other means.

Article 59 An obligatory duty payer of the entry articles may go through the formalities for paying the duties by himself, or may entrust any other person to do it as well. The person who accepts such an entrustment shall abide by all the provisions on the obligatory duty payer in this Chapter.

Article 60 The import tariffs shall be levied on the basis of ad valorem.

The calculation formula for import tariffs is: Amount of Import Tariffs = Dutiable Value
× Import Tariff rate

Article 61 The customs shall classify the entry articles into different categories and determine the dutiable value and the applicable tariff rate in accordance with the Form of Import Tariff Rates for Entry Articles, and the People's Republic of China - the Form of the Dutiable Values of Articles on Entry formulated by the General Administration of Customs.

Article 62 The tariff rate and the dutiable value implemented on the day when the tariff payment form is filled in shall be applicable to the entry articles.

Article 63 The relevant provisions on the collection of import tariffs on goods in the present Regulations shall be implemented in the reduction, exemption, makeup, demand of payment and refund of import tariffs, and the collection of import tariffs on the articles that are temporarily permitted to enter China.

Chapter VI. Supplementary Provisions

Article 64 Where an obligatory customs duty payer or a guarantor raises an objection to the customs' determination of the obligatory customs duty payer, the price after paying the duty, the category of goods, the place of origin, the applicable tariff rate or exchange rate, the reduced or exempted amount of duty, the makeup of duty, the refund of duty, the collection of default fees, the way of calculation and collection of duty or the place of duty payment, it (he) shall pay the duty, and may file a reconsideration application to the customs of a higher level in accordance with the law. Where it (he) refuses to accept the decision of reconsideration, it (he) may bring a lawsuit in the people's court in accordance with the law.

Article 65 The provisions on the management of the collection of duties shall be applicable to the management of the collection of import link tax by the customs.

Article 66 Any one who violates any of the present Regulations shall be punished in accordance with the Customs Law, the Detailed Rules for the Implementation of Administrative Punishments under the Customs Law of the People's Republic of China and other relevant laws and administrative regulations.

Article 67 The present Regulations shall be implemented as of January 1, 2003 and the Regulations of the People's Republic of China on Import and Export Duties amended and promulgated by the State Council on March 18, 1992 shall be abolished on the same day.

中华人民共和国国务院令

(第 392 号)

《中华人民共和国进出口关税条例》已经 2 0 0 3 年 1 0 月 2 9 日国务院第 2 6 次常务会议通过，现予公布，自 2 0 0 4 年 1 月 1 日起施行。

总理 温家宝

二 0 0 三年十一月二十三日

中华人民共和国进出口关税条例

第一章 总则

第一条 为了贯彻对外开放政策，促进对外经济贸易和国民经济的发展，根据《中华人民共和国海关法》(以下简称《海关法》) 的有关规定，制定本条例。

第二条 中华人民共和国准许进出口的货物、进境物品，除法律、行政法规另有规定外，海关依照本条例规定征收进出口关税。

第三条 国务院制定《中华人民共和国进出口税则》(以下简称《税则》)、《中华人民共和国进境物品进口税税率表》(以下简称《进境物品进口税税率表》)，规定关税的税目、税则号列和税率，作为本条例的组成部分。

第四条 国务院设立关税税则委员会，负责《税则》和《进境物品进口税税率表》的税目、税则号列和税率的调整 and 解释，报国务院批准后执行；决定实行暂定税率的货物、税率

和期限；决定关税配额税率；决定征收反倾销税、反补贴税、保障措施关税、报复性关税以及决定实施其他关税措施；决定特殊情况下税率的适用，以及履行国务院规定的其他职责。

第五条 进口货物的收货人、出口货物的发货人、进境物品的所有人，是关税的纳税义务人。

第六条 海关及其工作人员应当依照法定职权和法定程序履行关税征管职责，维护国家利益，保护纳税人合法权益，依法接受监督。

第七条 纳税义务人有权要求海关对其商业秘密予以保密，海关应当依法为纳税义务人保密。

第八条 海关对检举或者协助查获违反本条例行为的单位和个人，应当按照规定给予奖励，并负责保密。

第二章 进出口货物关税税率的设置和适用

第九条 进口关税设置最惠国税率、协定税率、特惠税率、普通税率、关税配额税率等税率。对进口货物在一定期限内可以实行暂定税率。

出口关税设置出口税率。对出口货物在一定期限内可以实行暂定税率。

第十条 原产于共同适用最惠国待遇条款的世界贸易组织成员的进口货物，原产于与中华人民共和国签订含有相互给予最惠国待遇条款的双边贸易协定的国家或者地区的进口货物，以及原产于中华人民共和国境内的进口货物，适用最惠国税率。

原产于与中华人民共和国签订含有关税优惠条款的区域性贸易协定的国家或者地区的进口货物，适用协定税率。

原产于与中华人民共和国签订含有特殊关税优惠条款的贸易协定的国家或者地区的进口货物，适用特惠税率。

原产于本条第一款、第二款和第三款所列以外国家或者地区的进口货物，以及原产地不明的进口货物，适用普通税率。

第十一条 适用最惠国税率的进口货物有暂定税率的，应当适用暂定税率；适用协定税率、特惠税率的进口货物有暂定税率的，应当从低适用税率；适用普通税率的进口货物，不适用暂定税率。

适用出口税率的出口货物有暂定税率的，应当适用暂定税率。

第十二条 按照国家规定实行关税配额管理的进口货物，关税配额内的，适用关税配额税率；关税配额外的，其税率的适用按照本条例第十条、第十一条的规定执行。

第十三条 按照有关法律、行政法规的规定对进口货物采取反倾销、反补贴、保障措施等的，其税率的适用按照《中华人民共和国反倾销条例》、《中华人民共和国反补贴条例》和《中华人民共和国保障措施条例》的有关规定执行。

第十四条 任何国家或者地区违反与中华人民共和国签订或者共同参加的贸易协定及相关协定，对中华人民共和国在贸易方面采取禁止、限制、加征关税或者其他影响正常贸易的措施的，对原产于该国家或者地区的进口货物可以征收报复性关税，适用报复性关税税率。

征收报复性关税的货物、适用国别、税率、期限和征收办法，由国务院关税税则委员会决定并公布。

第十五条 进出口货物，应当适用海关接受该货物申报进口或者出口之日实施的税率。

进口货物到达前，经海关核准先行申报的，应当适用装载该货物的运输工具申报进境之日实施的税率。

转关运输货物税率的适用日期，由海关总署另行规定。

第十六条 有下列情形之一，需缴纳税款的，应当适用海关接受申报办理纳税手续之日实施的税率：

- (一) 保税货物经批准不复运出境的；
- (二) 减免税货物经批准转让或者移作他用的；
- (三) 暂准进境货物经批准不复运出境，以及暂准出境货物经批准不复运进境的；
- (四) 租赁进口货物，分期缴纳税款的。

第十七条 补征和退还进出口货物关税，应当按照本条例第十五条或者第十六条的规定确定适用的税率。

因纳税义务人违反规定需要追征税款的，应当适用该行为发生之日实施的税率；行为发生之日不能确定的，适用海关发现该行为之日实施的税率。

第三章 进出口货物完税价格的确定

第十八条 进口货物的完税价格由海关以符合本条第三款所列条件的成交价格以及该货物运抵中华人民共和国境内输入地点起卸前的运输及其相关费用、保险费为基础审查确定。

进口货物的成交价格,是指卖方向中华人民共和国境内销售该货物时买方为进口该货物向卖方实付、应付的,并按照本条例第十九条、第二十条规定调整后的价款总额,包括直接支付的价款和间接支付的价款。

进口货物的成交价格应当符合下列条件:

(一)对买方处置或者使用该货物不予限制,但法律、行政法规规定实施的限制、对货物转售地域的限制和对货物价格无实质性影响的限制除外;

(二)该货物的成交价格没有因搭售或者其他因素的影响而无法确定;

(三)卖方不得从买方直接或者间接获得因该货物进口后转售、处置或者使用而产生的任何收益,或者虽有收益但能够按照本条例第十九条、第二十条的规定进行调整;

(四)买卖双方没有特殊关系,或者虽有特殊关系但未对成交价格产生影响。

第十九条 进口货物的下列费用应当计入完税价格:

(一)由买方负担的购货佣金以外的佣金和经纪费;

(二)由买方负担的在审查确定完税价格时与该货物视为一体的容器的费用;

(三)由买方负担的包装材料费用和包装劳务费用;

(四)与该货物的生产和向中华人民共和国境内销售有关的,由买方以免费或者以低于成本的方式提供并可以按适当比例分摊的料件、工具、模具、消耗材料及类似货物的价款,以及在境外开发、设计等相关服务的费用;

(五)作为该货物向中华人民共和国境内销售的条件,买方必须支付的、与该货物有关的特许权使用费;

(六) 卖方直接或者间接从买方获得的该货物进口后转售、处置或者使用的收益。

第二十条 进口时在货物的价款中列明的下列税收、费用，不计入该货物的完税价格：

(一) 厂房、机械、设备等货物进口后进行建设、安装、装配、维修和技术服务的费用；

(二) 进口货物运抵境内输入地点起卸后的运输及其相关费用、保险费；

(三) 进口关税及国内税收。

第二十一条 进口货物的成交价格不符合本条例第十八条第三款规定条件的，或者成交价格不能确定的，海关经了解有关情况，并与纳税义务人进行价格磋商后，依次以下列价格估定该货物的完税价格：

(一) 与该货物同时或者大约同时向中华人民共和国境内销售的相同货物的成交价格；

(二) 与该货物同时或者大约同时向中华人民共和国境内销售的类似货物的成交价格；

(三) 与该货物进口的同时或者大约同时，将该进口货物、相同或者类似进口货物在第一级销售环节销售给无特殊关系买方最大销售总量的单位价格，但应当扣除本条例第二十二条规定的项目；

(四) 按照下列各项总和计算的价格：生产该货物所使用的料件成本和加工费用，向中华人民共和国境内销售同等级或者同种类货物通常的利润和一般费用，该货物运抵境内输入地点起卸前的运输及其相关费用、保险费；

(五) 以合理方法估定的价格。

纳税义务人向海关提供有关资料后，可以提出申请，颠倒前款第(三)项和第(四)项的适用次序。

第二十二条 按照本条例第二十一条第一款第(三)项规定估定完税价格,应当扣除的项目是指:

(一)同等级或者同种类货物在中华人民共和国境内第一级销售环节销售时通常的利润和一般费用以及通常支付的佣金;

(二)进口货物运抵境内输入地点起卸后的运输及其相关费用、保险费;

(三)进口关税及国内税收。

第二十三条 以租赁方式进口的货物,以海关审查确定的该货物的租金作为完税价格。

纳税义务人要求一次性缴纳税款的,纳税义务人可以选择按照本条例第二十一条的规定估定完税价格,或者按照海关审查确定的租金总额作为完税价格。

第二十四条 运往境外加工的货物,出境时已向海关报明并在海关规定的期限内复运进境的,应当以境外加工费和料件费以及复运进境的运输及其相关费用和保险费审查确定完税价格。

第二十五条 运往境外修理的机械器具、运输工具或者其他货物,出境时已向海关报明并在海关规定的期限内复运进境的,应当以境外修理费和料件费审查确定完税价格。

第二十六条 出口货物的完税价格由海关以该货物的成交价格以及该货物运至中华人民共和国境内输出地点装载前的运输及其相关费用、保险费为基础审查确定。

出口货物的成交价格,是指该货物出口时卖方为出口该货物应当向买方直接收取和间接收取的价款总额。

出口关税不计入完税价格。

第二十七条 出口货物的成交价格不能确定的，海关经了解有关情况，并与纳税义务人进行价格磋商后，依次以下列价格估定该货物的完税价格：

- (一) 与该货物同时或者大约同时向同一国家或者地区出口的相同货物的成交价格；
- (二) 与该货物同时或者大约同时向同一国家或者地区出口的类似货物的成交价格；
- (三) 按照下列各项总和计算的价格：境内生产相同或者类似货物的料件成本、加工费用，通常的利润和一般费用，境内发生的运输及其相关费用、保险费；
- (四) 以合理方法估定的价格。

第二十八条 按照本条例规定计入或者不计入完税价格的成本、费用、税收，应当以客观、可量化的数据为依据。

第四章 进出口货物关税的征收

第二十九条 进口货物的纳税义务人应当自运输工具申报进境之日起 14 日内，出口货物的纳税义务人除海关特准的外，应当在货物运抵海关监管区后、装货的 24 小时以前，向货物的进出境地海关申报。进出口货物转关运输的，按照海关总署的规定执行。

进口货物到达前，纳税义务人经海关核准可以先行申报。具体办法由海关总署另行规定。

第三十条 纳税义务人应当依法如实向海关申报，并按照海关的规定提供有关确定完税价格、进行商品归类、确定原产地以及采取反倾销、反补贴或者保障措施等所需的资料；必要时，海关可以要求纳税义务人补充申报。

第三十一条 纳税义务人应当按照《税则》规定的目录条文和归类总规则、类注、章注、子目注释以及其他归类注释,对其申报的进出口货物进行商品归类,并归入相应的税则号列;海关应当依法审核确定该货物的商品归类。

第三十二条 海关可以要求纳税义务人提供确定商品归类所需的有关资料;必要时,海关可以组织化验、检验,并将海关认定的化验、检验结果作为商品归类的依据。

第三十三条 海关为审查申报价格的真实性和准确性,可以查阅、复制与进出口货物有关的合同、发票、账册、结付汇凭证、单据、业务函电、录音录像制品和其他反映买卖双方关系及交易活动的资料。

海关对纳税义务人申报的价格有怀疑并且所涉关税数额较大的,经直属海关关长或者其授权的隶属海关关长批准,凭海关总署统一格式的协助查询账户通知书及有关工作人员的工作证件,可以查询纳税义务人在银行或者其他金融机构开立的单位账户的资金往来情况,并向银行业监督管理机构通报有关情况。

第三十四条 海关对纳税义务人申报的价格有怀疑的,应当将怀疑的理由书面告知纳税义务人,要求其在规定的期限内书面作出说明、提供有关资料。

纳税义务人在规定的期限内未作说明、未提供有关资料的,或者海关仍有理由怀疑申报价格的真实性和准确性的,海关可以不接受纳税义务人申报的价格,并按照本条例第三章的规定估定完税价格。

第三十五条 海关审查确定进出口货物的完税价格后,纳税义务人可以以书面形式要求海关就如何确定其进出口货物的完税价格作出书面说明,海关应当向纳税义务人作出书面说明。

第三十六条 进出口货物关税，以从价计征、从量计征或者国家规定的其他方式征收。

从价计征的计算公式为：应纳税额 = 完税价格 × 关税税率

从量计征的计算公式为：应纳税额 = 货物数量 × 单位税额

第三十七条 纳税义务人应当自海关填发税款缴款书之日起 15 日内向指定银行缴纳税款。纳税义务人未按期缴纳税款的，从滞纳税款之日起，按日加收滞纳税款万分之五的滞纳金。

海关可以对纳税义务人欠缴税款的情况予以公告。

海关征收关税、滞纳金等，应当制发缴款凭证，缴款凭证格式由海关总署规定。

第三十八条 海关征收关税、滞纳金等，应当按人民币计征。

进出口货物的成交价格以及有关费用以外币计价的，以中国人民银行公布的基准汇率折合为人民币计算完税价格；以基准汇率币种以外的外币计价的，按照国家有关规定套算为人民币计算完税价格。适用汇率的日期由海关总署规定。

第三十九条 纳税义务人因不可抗力或者在国家税收政策调整的情形下，不能按期缴纳税款的，经海关总署批准，可以延期缴纳税款，但是最长不得超过 6 个月。

第四十条 进出口货物的纳税义务人在规定的纳税期限内有明显的转移、藏匿其应税货物以及其他财产迹象的，海关可以责令纳税义务人提供担保；纳税义务人不能提供担保的，海关可以按照《海关法》第六十一条的规定采取税收保全措施。

纳税义务人、担保人自缴纳税款期限届满之日起超过 3 个月仍未缴纳税款的，海关可以按照《海关法》第六十条的规定采取强制措施。

第四十一条 加工贸易的进口料件按照国家规定保税进口的 ,其制成品或者进口料件未在规定的期限内出口的 , 海关按照规定征收进口关税。

加工贸易的进口料件进境时按照国家规定征收进口关税的 ,其制成品或者进口料件在规定的期限内出口的 , 海关按照有关规定退还进境时已征收的关税税款。

第四十二条 经海关批准暂时进境或者暂时出境的下列货物 ,在进境或者出境时纳税义务人向海关缴纳相当于应纳税款的保证金或者提供其他担保的 ,可以暂不缴纳关税 ,并应当自进境或者出境之日起 6 个月内复运出境或者复运进境 ;经纳税义务人申请 ,海关可以根据海关总署的规定延长复运出境或者复运进境的期限 :

- (一) 在展览会、交易会、会议及类似活动中展示或者使用的货物 ;
- (二) 文化、体育交流活动中使用的表演、比赛用品 ;
- (三) 进行新闻报道或者摄制电影、电视节目使用的仪器、设备及用品 ;
- (四) 开展科研、教学、医疗活动使用的仪器、设备及用品 ;
- (五) 在本款第 (一) 项至第 (四) 项所列活动中使用的交通工具及特种车辆 ;
- (六) 货样 ;
- (七) 供安装、调试、检测设备时使用的仪器、工具 ;
- (八) 盛装货物的容器 ;
- (九) 其他用于非商业目的的货物。

第一款所列暂准进境货物在规定的期限内未复运出境的 ,或者暂准出境货物在规定的期限内未复运进境的 , 海关应当依法征收关税。

第一款所列可以暂时免征关税范围以外的其他暂准进境货物,应当按照该货物的完税价格和其在境内滞留时间与折旧时间的比例计算征收进口关税。具体办法由海关总署规定。

第四十三条 因品质或者规格原因,出口货物自出口之日起1年内原状复运进境的,不征收进口关税。

因品质或者规格原因,进口货物自进口之日起1年内原状复运出境的,不征收出口关税。

第四十四条 因残损、短少、品质不良或者规格不符原因,由进出口货物的发货人、承运人或者保险公司免费补偿或者更换的相同货物,进出口时不征收关税。被免费更换的原进口货物不退运出境或者原出口货物不退运进境的,海关应当对原进出口货物重新按照规定征收关税。

第四十五条 下列进出口货物,免征关税:

- (一) 关税税额在人民币50元以下的一票货物;
- (二) 无商业价值的广告品和货样;
- (三) 外国政府、国际组织无偿赠送的物资;
- (四) 在海关放行前损失的货物;
- (五) 进出境运输工具装载的途中必需的燃料、物料和饮食用品。

在海关放行前遭受损坏的货物,可以根据海关认定的受损程度减征关税。

法律规定的其他免征或者减征关税的货物,海关根据规定予以免征或者减征。

第四十六条 特定地区、特定企业或者有特定用途的进出口货物减征或者免征关税,以及临时减征或者免征关税,按照国务院的有关规定执行。

第四十七条 进口货物减征或者免征进口环节海关代征税，按照有关法律、行政法规的规定执行。

第四十八条 纳税义务人进出口减免税货物的，除另有规定外，应当在进出口该货物之前，按照规定持有关文件向海关办理减免税审批手续。经海关审查符合规定的，予以减征或者免征关税。

第四十九条 需由海关监管使用的减免税进口货物，在监管年限内转让或者移作他用需要补税的，海关应当根据该货物进口时间折旧估价，补征进口关税。

特定减免税进口货物的监管年限由海关总署规定。

第五十条 有下列情形之一的，纳税义务人自缴纳税款之日起 1 年内，可以申请退还关税，并应当以书面形式向海关说明理由，提供原缴款凭证及相关资料：

（一）已征进口关税的货物，因品质或者规格原因，原状退货复运出境的；

（二）已征出口关税的货物，因品质或者规格原因，原状退货复运进境，并已重新缴纳因出口而退还的国内环节有关税收的；

（三）已征出口关税的货物，因故未装运出口，申报退关的。

海关应当自受理退税申请之日起 30 日内查实并通知纳税义务人办理退还手续。纳税义务人应当自收到通知之日起 3 个月内办理有关退税手续。

按照其他有关法律、行政法规规定应当退还关税的，海关应当按照有关法律、行政法规的规定退税。

第五十一条 进出口货物放行后，海关发现少征或者漏征税款的，应当自缴纳税款或者货物放行之日起 1 年内，向纳税义务人补征税款。但因纳税义务人违反规定造成少征或者漏

征税款的，海关可以自缴纳税款或者货物放行之日起 3 年内追征税款，并从缴纳税款或者货物放行之日起按日加收少征或者漏征税款万分之五的滞纳金。

海关发现海关监管货物因纳税义务人违反规定造成少征或者漏征税款的，应当自纳税义务人应缴纳税款之日起 3 年内追征税款，并从应缴纳税款之日起按日加收少征或者漏征税款万分之五的滞纳金。

第五十二条 海关发现多征税款的，应当立即通知纳税义务人办理退还手续。

纳税义务人发现多缴税款的，自缴纳税款之日起 1 年内，可以以书面形式要求海关退还多缴的税款并加算银行同期活期存款利息；海关应当自受理退税申请之日起 30 日内查实并通知纳税义务人办理退还手续。

纳税义务人应当自收到通知之日起 3 个月内办理有关退税手续。

第五十三条 按照本条例第五十条、第五十二条的规定退还税款、利息涉及从国库中退库的，按照法律、行政法规有关国库管理的规定执行。

第五十四条 报关企业接受纳税义务人的委托，以纳税义务人的名义办理报关纳税手续，因报关企业违反规定而造成海关少征、漏征税款的，报关企业对少征或者漏征的税款、滞纳金与纳税义务人承担纳税的连带责任。

报关企业接受纳税义务人的委托，以报关企业的名义办理报关纳税手续的，报关企业与纳税义务人承担纳税的连带责任。

除不可抗力外，在保管海关监管货物期间，海关监管货物损毁或者灭失的，对海关监管货物负有保管义务的人应当承担相应的纳税责任。

第五十五条 欠税的纳税义务人，有合并、分立情形的，在合并、分立前，应当向海关报告，依法缴清税款。纳税义务人合并时未缴清税款的，由合并后的法人或者其他组织继续履行未履行的纳税义务；纳税义务人分立时未缴清税款的，分立后的法人或者其他组织对未履行的纳税义务承担连带责任。

纳税义务人在减免税货物、保税货物监管期间，有合并、分立或者其他资产重组情形的，应当向海关报告。按照规定需要缴税的，应当依法缴清税款；按照规定可以继续享受减免税、保税待遇的，应当到海关办理变更纳税义务人的手续。

纳税义务人欠税或者在减免税货物、保税货物监管期间，有撤销、解散、破产或者其他依法终止经营情形的，应当在清算前向海关报告。海关应当依法对纳税义务人的应缴税款予以清缴。

第五章 进境物品进口税的征收

第五十六条 进境物品的关税以及进口环节海关代征税合并为进口税，由海关依法征收。

第五十七条 海关总署规定数额以内的个人自用进境物品，免征进口税。

超过海关总署规定数额但仍在合理数量以内的个人自用进境物品，由进境物品的纳税义务人在进境物品放行前按照规定缴纳进口税。

超过合理、自用数量的进境物品应当按照进口货物依法办理相关手续。

国务院关税税则委员会规定按货物征税的进境物品，按照本条例第二章至第四章的规定征收关税。

第五十八条 进境物品的纳税义务人是指，携带物品进境的入境人员、进境邮递物品的收件人以及以其他方式进口物品的收件人。

第五十九条 进境物品的纳税义务人可以自行办理纳税手续，也可以委托他人办理纳税手续。接受委托的人应当遵守本章对纳税义务人的各项规定。

第六十条 进口税从价计征。

进口税的计算公式为：进口税税额 = 完税价格 × 进口税税率

第六十一条 海关应当按照《进境物品进口税税率表》及海关总署制定的《中华人民共和国进境物品归类表》、《中华人民共和国进境物品完税价格表》对进境物品进行归类、确定完税价格和确定适用税率。

第六十二条 进境物品，适用海关填发税款缴款书之日实施的税率和完税价格。

第六十三条 进口税的减征、免征、补征、追征、退还以及对暂准进境物品征收进口税参照本条例对货物征收进口关税的有关规定执行。

第六章 附则

第六十四条 纳税义务人、担保人对海关确定纳税义务人、确定完税价格、商品归类、确定原产地、适用税率或者汇率、减征或者免征税款、补税、退税、征收滞纳金、确定计征方式以及确定纳税地点有异议的，应当缴纳税款，并可以依法向上一级海关申请复议。对复议决定不服的，可以依法向人民法院提起诉讼。

第六十五条 进口环节海关代征税的征收管理，适用关税征收管理的规定。

第六十六条 有违反本条例规定行为的，按照《海关法》、《中华人民共和国海关法行政处罚实施细则》和其他有关法律、行政法规的规定处罚。

第六十七条 本条例自2004年1月1日起施行。1992年3月18日国务院修订发布的《中华人民共和国进出口关税条例》同时废止。

chl_50576

Interim Regulation of the People's Republic of China on Value Added Tax

(Promulgated by Order No. 134 of the State Council of the People's Republic of China on December 13, 1993 Amended and adopted at the 34th executive meeting of the State Council on November 5, 2008)

Article 1 Entities and individuals engaged in the sale of goods, supply of processing, repair and replacement services, and import of goods within the territory of the People's Republic of China are taxpayers of value added tax (hereinafter referred to as "taxpayers"), and shall pay VAT in accordance with this Regulation.

Article 2 VAT rates:

1. For taxpayers selling or importing goods, other than those as specified in Items 2 and 3 of this Article, the tax rate shall be 17%.

2. For taxpayers selling or importing the following goods, the tax rate shall be 13%.

(1) food grains, edible vegetable oil;

(2) tap water, heating, air conditioning, hot water, coal gas, liquefied petroleum gas, natural gas, methane, and coal/ charcoal products for household use.

(3) books, newspapers, magazines;

(4) feed, fertilizer, pesticide, agricultural machinery and agricultural film; and

(5) other goods as prescribed by the State Council.

3. For taxpayers exporting goods, the tax rate shall be zero, except as otherwise prescribed by the State Council.

4. For taxpayers supplying processing, and repair and replacement services (hereinafter referred to as "taxable service"), the tax rate shall be 17 %.

Any adjustments to the tax rates shall be decided by the State Council.

Article 3 For a taxpayer concurrently engaged in goods or taxable services at different tax rates, the sales amounts for goods or taxable services at different tax rates shall be calculated separately, otherwise, the higher tax rate shall apply.

Article 4 Except for the provisions in Article 11 of this Regulation, for a taxpayer engaged in selling goods or supplying taxable services, the payable tax amount shall be the balance after offsetting or deducting the input tax amount for the current period against or

from the output tax amount for the current period. The formula for computing the payable tax amount:

the payable tax amount = the output tax amount for the current period – the input tax amount for the current period

If the output tax amount for the current period is less than and insufficient to offset against or deduct the input tax amount for the current period, the deficiency can be carried forward to the following period for offset or deduction.

Article 5 The VAT tax amount that a taxpayer selling goods or supplying taxable service calculates on the basis of the sales amount and at the tax rate as prescribed in Article 2 of this Regulation and collects from the buyer is the output tax amount. The formula for the calculation of the output tax amount:

the output tax amount = the sales amount × the tax rate

Article 6 The sales amount shall be the full price and ex-price fees that a taxpayer charges the buyer for selling goods or supplying taxable service, but exclude the output tax amount collected.

The sales amount shall be calculated in RMB. Where a taxpayer settles the sales amount in a currency other than RMB, it (he) shall convert it into RMB.

Article 7 If the price of the goods sold or taxable service supplied by a taxpayer is obviously low without a justifiable reason, the competent taxation organ shall verify and determine the sales amount.

Article 8 The VAT amount that a taxpayer pays or bears for buying goods or accepting taxable service is the input tax amount.

The following input tax amounts are allowed to be offset against or be deducted from the input tax amounts:

1. the VAT amount as indicated in the special VAT invoice obtained from the seller;
2. the VAT amount as indicated in the special bill of payment of import VAT obtained from the customs house;
3. for the purchase of agricultural products, besides obtaining the special VAT invoice or customs special bill of payment of import VAT, the input tax amount is calculated on the

basis of the agricultural product purchase price as indicated in the agricultural product purchase invoice or sales invoice and at a deduction rate of 13%. The formula for the calculation of the input tax amount:

the input tax amounts = the purchase price × the deduction rate

4. For the purchase or sale of goods and payments for freight during the production and business operations, the input tax amount is calculated on the basis of the freight amount as indicated in the freight settlement voucher and at the deduction rate of 7%. The formula for the calculation of the input tax:

the input tax amount = the freight amount × the deduction rate

Any adjustments to the allowed deduction items and rates shall be decided by the State Council.

Article 9 For a taxpayer purchasing any goods or taxable service, if the VAT deduction voucher it (he) obtains does not conform to law, administrative regulation, or relevant provisions of the taxation administrative department of the State Council, the input tax amount shall not be offset against or deducted from the output tax amount.

Article 10 The input tax amount on any of the following items shall not be offset against or be deducted from the output tax amount:

1. the purchased goods or taxable services used for non-VAT taxable items, VAT-free items, collective welfare or individual consumption;
2. the abnormally lost purchased goods and relevant taxable services;
3. the abnormally lost purchased goods or taxable services for products under production or finished products;
4. the taxpayer's self-use consumables as prescribed by the finance and taxation administrative departments of the State Council; and
5. the freight of goods and freight of sold tax-free goods as described in Items 1 through 4 of this Article.

Article 11 For selling goods or taxable service of a small-scale taxpayer, a simple approach shall be employed to calculate the taxable amount on the basis of the sales amount and at the tax rate and the input tax amount shall not be offset or deducted. The formula for the calculation of the taxable amount:

the taxable amount = the sales amount × the tax rate

the criteria for small-scale taxpayers shall be formulated by the finance and taxation administrative departments of the State Council.

Article 12 The tax rate for the VAT on small-scale taxpayers shall be 3%.

Any adjustment to the tax rate shall be decided by the State Council.

Article 13 A taxpayer other than a small-scale taxpayer shall apply to the taxation administrative department for determination of its qualification. The concrete determination measures shall be formulated by the taxation administrative department of the State Council.

Where a small-scale taxpayer with independent accounting is able to provide accurate tax-related materials, it may apply to the competent taxation organ for determination of its qualification for not being treated as a small-scale taxpayer in the calculation of the payable tax amount under this Regulation

Article 14 For goods imported by a taxpayer, the payable tax amount shall be calculated on the basis of the composite assessable value and the tax rates as given in Article 2 of this Regulation. The formulas for the calculation of the composite assessable value and the payable tax amount:

the composite assessable value = the customs duty-paid value + the customs duty + the consumption tax

the payable tax amount = the composite assessable value × the tax rate

Article 15 The following items shall be exempted from the VAT:

1. self-produced agricultural products sold by agricultural producers;
2. contraceptive medicines and devices;
3. antique books;
4. apparatus and equipment imported and directly used for scientific research, experiment and teaching;
5. imported materials and equipment from foreign governments and international organizations as gratuitous aid;
6. articles exclusively for persons with disabilities that are directly imported by organizations of persons with disabilities; and
7. self-used articles sold by the seller.

Except for the provisions of the preceding paragraph, the VAT exemption and reduction items shall be prescribed by the State Council. No other region or department shall prescribe any tax exemption or reduction item.

Article 16 For a taxpayer concurrently engaged in VAT-free or VAT reduction items, it (he) shall calculate the sales amounts of the VAT-free or VAT reduction items separately, otherwise, it (he) shall not enjoy the tax exemptions or reductions.

Article 17 If the sales amount of a taxpayer does not reach the VAT threshold as prescribed by the finance and taxation administrative departments of the State Council, it shall be exempted from the VAT. If it reaches the aforesaid threshold, the VAT shall be calculated and paid in full amount on the basis of this Regulation.

Article 18 Where an entity or individual outside the territory of the People's Republic of China supplies taxable services inside the territory of the People's Republic of China, and it (he) has not established a business institution within China, its agent within China shall be the withholding obligor. If it (he) has no agent within China, the purchaser shall be the withholding obligor.

Article 19 The time at which an obligation to pay the VAT arises shall be as follows:

1. For the goods or taxable services sold, it is the date on which the sales price payment is received or the sales voucher as requested is obtained. If an invoice is issued in advance, it shall be the same day when the invoice is issued.
2. For imported goods, it is the date of customs declaration for import.

The time at which an obligation to withhold the VAT arises shall be the same day when an obligation to pay the VAT arises.

Article 20 The VAT shall be collected by taxation organs and the VAT on imported goods shall be withheld by the customs houses.

The VAT on self-use articles carried or mailed into China by individuals shall be levied together with the customs duties. The specific measures shall be formulated by the Tariff Policy Committee of the State Council in conjunction with relevant departments.

Article 21 The taxpayer of goods or taxable service sold shall issue a special VAT invoice to the buyer requesting for a special VAT invoice and give clear indications of the sales amount and output tax amount on it.

Under any of the following circumstances, no special VAT invoice shall be issued:

1. The goods or taxable services are sold to individual consumers;

2. The tax-free provisions apply to the goods or taxable services sold; and
3. The goods or taxable services are sold by small-scale taxpayers.

Article 22 The VAT payment places:

1. Businesses with a fixed establishment shall file tax returns with the competent taxation organ at the locality where the establishment is located. If the head office and the branch are not situated in the same county (or city), they shall file tax returns separately to their respective local competent taxation organ. The head office may, upon the approval of the finance or taxation administrative department of the State Council or its authorized finance or taxation organ, file tax returns with the competent taxation organ at the locality where the establishment is located on a consolidated basis.
2. Businesses with fixed establishments selling goods or taxable services in different counties (or cities) shall apply for the issuance of an outbound business activities tax administration certificate from the competent taxation authority at the locality where the establishment is located and shall file tax returns with the competent taxation authority at the locality where the establishment is located. If they do not obtain the outbound business activities tax administration certificate, they shall file tax returns with the competent taxation organ at the locality where the sales activities take place or where the taxable services occur. The competent taxation organ at the locality where the establishment is located shall collect the overdue taxes for which no tax return has been filed with the competent taxation organ at the locality where the sales activities take place or where the taxable services occur.
3. Business without a fixed establishment selling goods or taxable services shall file tax returns with the competent taxation organ at the locality where the sales activities take place or where the taxable services occur. If it fails to do so, the competent taxation organ at the locality where it is located or resides shall levy the overdue taxes.
4. For imported goods, tax returns shall be filed with the customs house at the locality where the customs declaration is made.

A withholding obligor shall file tax returns and pay the tax amounts, which it withholds, to the competent taxation organ at the place where its institution or domicile is located.

Article 23 The VAT taxable period shall be one day, three days, five days, 10 days, 15 days, one month or one quarter. The specific taxable period of a taxpayer shall be determined respectively by the competent taxation organ on the basis of the payable tax amount of the taxpayer. If the taxable amount cannot be assessed on a regular period basis, it can be assessed on a transaction-by-transaction basis.

A taxpayer who adopts one month or one quarter as a taxable period shall file tax returns within 15 days after the expiration of such a period. If it (he) adopts one day, three days, five days, 10 days or 15 days as a taxable period, it (he) shall prepay the tax within five

days after the expiration of such a period and within 15 days of the following month, file a tax return and settle the payable tax amount of the immediately previous month.

The time limit for a withholding obligor to deliver tax payment shall be governed by the preceding two paragraphs.

Article 24 A taxpayer of imported goods shall pay the tax within 15 days from the date on which the customs house fills out the special bill of payment of import VAT issued by the customs offices.

Article 25 A taxpayer exporting tax-rebate (exemption) goods shall go through the export formalities in the customs house and within the prescribed time limit for applying for tax rebate (exemption) and on a monthly basis, apply to the competent taxation organ for handling the tax rebate (exemption) for the exported goods on the strength of export declaration forms. The concrete measures shall be formulated by the finance or taxation administrative department of the State Council.

Where any exported goods are returned or a customs declaration is withdrawn after the completion of the tax rebate on the exported goods, the taxpayer shall pay back the said tax rebate according to law.

Article 26 The administration of collection of the VAT shall be governed by the Law of the People's Republic of China on the Administration of Tax Collection and the relevant provisions in this Regulation.

Article 27 This Regulation shall come into force as of January 1, 2009.

中华人民共和国增值税暂行条例

(1993 年 12 月 13 日中华人民共和国国务院令第 134 号

发布 2008 年 11 月 5 日国务院第 34 次常务会议修订通过)

第一条 在中华人民共和国境内销售货物或者提供加工、修理修配劳务以及进口货物的单位和个人，为增值税的纳税人，应当依照本条例缴纳增值税。

(相关资料: 部门规章 1 篇)

第二条 增值税税率：

(一) 纳税人销售或者进口货物，除本条第 (二) 项、第 (三) 项规定外，税率为 17%。

(二) 纳税人销售或者进口下列货物，税率为 13%：

1. 粮食、食用植物油；
2. 自来水、暖气、冷气、热水、煤气、石油液化气、天然气、沼气、居民用煤炭制品；
3. 图书、报纸、杂志；
4. 饲料、化肥、农药、农机、农膜；
5. 国务院规定的其他货物。

(三) 纳税人出口货物，税率为零；但是，国务院另有规定的除外。

(四) 纳税人提供加工、修理修配劳务(以下称应税劳务),税率为 17%。

税率的调整,由国务院决定。

第三条 纳税人兼营不同税率的货物或者应税劳务,应当分别核算不同税率货物或者应税劳务的销售额;未分别核算销售额的,从高适用税率。

(相关资料:裁判文书 1 篇)

第四条 除本条例第十一条规定外,纳税人销售货物或者提供应税劳务(以下简称销售货物或者应税劳务),应纳税额为当期销项税额抵扣当期进项税额后的余额。应纳税额计算公式:

应纳税额 = 当期销项税额 - 当期进项税额

当期销项税额小于当期进项税额不足抵扣时,其不足部分可以结转下期继续抵扣。

第五条 纳税人销售货物或者应税劳务,按照销售额和本条例第二条规定的税率计算并向购买方收取的增值税额,为销项税额。销项税额计算公式:

销项税额 = 销售额 × 税率

第六条 销售额为纳税人销售货物或者应税劳务向购买方收取的全部价款和价外费用,但是不包括收取的销项税额。

销售额以人民币计算。纳税人以人民币以外的货币结算销售额的，应当折合成人民币计算。

第七条 纳税人销售货物或者应税劳务的价格明显偏低并无正当理由的，由主管税务机关核定其销售额。

第八条 纳税人购进货物或者接受应税劳务（以下简称购进货物或者应税劳务）支付或者负担的增值税额，为进项税额。

下列进项税额准予从销项税额中抵扣：

（一）从销售方取得的增值税专用发票上注明的增值税额。

（二）从海关取得的海关进口增值税专用缴款书上注明的增值税额。

（三）购进农产品，除取得增值税专用发票或者海关进口增值税专用缴款书外，按照农产品收购发票或者销售发票上注明的农产品买价和 13% 的扣除率计算的进项税额。进项税额计算公式：

进项税额 = 买价 × 扣除率

（四）购进或者销售货物以及在生产经营过程中支付运输费用的，按照运输费用结算单据上注明的运输费用金额和 7% 的扣除率计算的进项税额。进项税额计算公式：

进项税额 = 运输费用金额 × 扣除率

准予抵扣的项目和扣除率的调整，由国务院决定。

第九条 纳税人购进货物或者应税劳务，取得的增值税扣税凭证不符合法律、行政法规或者国务院税务主管部门有关规定的，其进项税额不得从销项税额中抵扣。

第十条 下列项目的进项税额不得从销项税额中抵扣：

(一) 用于非增值税应税项目、免征增值税项目、集体福利或者个人消费的购进货物或者应税劳务；

(二) 非正常损失的购进货物及相关的应税劳务；

(三) 非正常损失的在产品、产成品所耗用的购进货物或者应税劳务；

(四) 国务院财政、税务主管部门规定的纳税人自用消费品；

(五) 本条第(一)项至第(四)项规定的货物的运输费用和销售免税货物的运输费用。

(相关资料: 地方法规 1 篇)

第十一条 小规模纳税人销售货物或者应税劳务，实行按照销售额和征收率计算应纳税额的简易办法，并不得抵扣进项税额。应纳税额计算公式：

应纳税额 = 销售额 × 征收率

小规模纳税人的标准由国务院财政、税务主管部门规定。

第十二条 小规模纳税人增值税征收率为 3%。

征收率的调整，由国务院决定。

(相关资料: 地方法规 1 篇)

第十三条 小规模纳税人以外的纳税人应当向主管税务机关申请资格认定。具体认定办法由国务院税务主管部门制定。

小规模纳税人会计核算健全，能够提供准确税务资料的，可以向主管税务机关申请资格认定，不作为小规模纳税人，依照本条例有关规定计算应纳税额。

第十四条 纳税人进口货物，按照组成计税价格和本条例第二条规定的税率计算应纳税额。组成计税价格和应纳税额计算公式：

组成计税价格 = 关税完税价格 + 关税 + 消费税

应纳税额 = 组成计税价格 × 税率

第十五条 下列项目免征增值税：

(一) 农业生产者销售的自产农产品；

(二) 避孕药品和用具；

(三) 古旧图书；

(四) 直接用于科学研究、科学试验和教学的进口仪器、设备；

(五) 外国政府、国际组织无偿援助的进口物资和设备；

(六) 由残疾人的组织直接进口供残疾人专用的物品；

(七) 销售的自己使用过的物品。

除前款规定外，增值税的免税、减税项目由国务院规定。任何地区、部门均不得规定免税、减税项目。

第十六条 纳税人兼营免税、减税项目的，应当分别核算免税、减税项目的销售额；未分别核算销售额的，不得免税、减税。

(相关资料: 部门规章 1 篇)

第十七条 纳税人销售额未达到国务院财政、税务主管部门规定的增值税起征点的，免征增值税；达到起征点的，依照本条例规定全额计算缴纳增值税。

(相关资料: 部门规章 1 篇)

第十八条 中华人民共和国境外的单位或者个人在境内提供应税劳务，在境内未设有经营机构的，以其境内代理人为扣缴义务人；在境内没有代理人的，以购买方为扣缴义务人。

(相关资料: 部门规章 2 篇)

第十九条 增值税纳税义务发生时间：

(一) 销售货物或者应税劳务，为收讫销售款项或者取得索取销售款项凭据的当天；先开具发票的，为开具发票的当天。

(二) 进口货物，为报关进口的当天。

增值税扣缴义务发生时间为纳税人增值税纳税义务发生的当天。

第二十条 增值税由税务机关征收，进口货物的增值税由海关代征。

个人携带或者邮寄进境自用物品的增值税，连同关税一并计征。具体办法由国务院关税税则委员会会同有关部门制定。

第二十一条 纳税人销售货物或者应税劳务，应当向索取增值税专用发票的购买方开具增值税专用发票，并在增值税专用发票上分别注明销售额和销项税额。

属于下列情形之一的，不得开具增值税专用发票：

(一) 向消费者个人销售货物或者应税劳务的；

(二) 销售货物或者应税劳务适用免税规定的；

(三) 小规模纳税人销售货物或者应税劳务的。

第二十二条 增值税纳税地点：

(一) 固定业户应当向其机构所在地的主管税务机关申报纳税。总机构和分支机构不在同一县(市)的,应当分别向各自所在地的主管税务机关申报纳税;经国务院财政、税务主管部门或者其授权的财政、税务机关批准,可以由总机构汇总向总机构所在地的主管税务机关申报纳税。

(二) 固定业户到外县(市)销售货物或者应税劳务,应当向其机构所在地的主管税务机关申请开具外出经营活动税收管理证明,并向其机构所在地的主管税务机关申报纳税;未开具证明的,应当向销售地或者劳务发生地的主管税务机关申报纳税;未向销售地或者劳务发生地的主管税务机关申报纳税的,由其机构所在地的主管税务机关补征税款。

(三) 非固定业户销售货物或者应税劳务,应当向销售地或者劳务发生地的主管税务机关申报纳税;未向销售地或者劳务发生地的主管税务机关申报纳税的,由其机构所在地或者居住地的主管税务机关补征税款。

(四) 进口货物,应当向报关地海关申报纳税。

扣缴义务人应当向其机构所在地或者居住地的主管税务机关申报缴纳其扣缴的税款。

(相关资料: 部门规章 1 篇 地方法规 1 篇)

第二十三条 增值税的纳税期限分别为 1 日、3 日、5 日、10 日、15 日、1 个月或者 1 个季度。纳税人的具体纳税期限,由主管税务机关根据纳税人应纳税额的大小分别核定;不能按照固定期限纳税的,可以按次纳税。

纳税人以 1 个月或者 1 个季度为 1 个纳税期的,自期满之日起 15 日内申报纳税;以 1 日、3 日、5 日、10 日或者 15 日为 1 个纳税期的,自期满之日起 5 日内预缴税款,于次月 1 日起 15 日内申报纳税并结清上月应纳税款。

扣缴义务人解缴税款的期限，依照前两款规定执行。

(相关资料: 部门规章 1 篇)

第二十四条 纳税人进口货物，应当自海关填发海关进口增值税专用缴款书之日起 15 日内缴纳税款。

第二十五条 纳税人出口货物适用退 (免) 税规定的，应当向海关办理出口手续，凭出口报关单等有关凭证，在规定的出口退 (免) 税申报期内按月向主管税务机关申报办理该项出口货物的退 (免) 税。具体办法由国务院财政、税务主管部门制定。

出口货物办理退税后发生退货或者退关的，纳税人应当依法补缴已退的税款。

第二十六条 增值税的征收管理，依照《中华人民共和国税收征收管理法》及本条例有关规定执行。

第二十七条 本条例自 2009 年 1 月 1 日起施行。

Normalization Criteria on Aluminum Industry

I. Requirements for Layout and Size of Enterprises and Other External Conditions

1. Requirements for Layout

Exploitation projects of bauxite mines, alumina, electrolytic aluminum, and secondary aluminum processing projects must comply with requirements of state industrial policy and planning, comprehensive planning for the use of land, town planning, the main body function area planning, and construct aluminum smelting enterprises with reasonable layout according to resources, energy and environmental conditions. Under the planning guidance and the total quantity control, the existing aluminum enterprises in disadvantaged region shall be gradually transferred to areas with advantaged endowments in order, to control new capacity strictly, and to prevent from intensifying contradictions with excess capacity caused by blind investment.

The production scales of such enterprises will be conditioned by the regions where they are located. The location of electrolytic aluminum, alumina or secondary aluminum enterprises shall be selected according to the environmental impact assessment and the distance between enterprises and people around and sensitive areas such as drinking water preservation areas, basic farmland protection areas, natural conservations, ecological tourism, forest park, scenic resorts, ecological conservation areas and military installations and other key protection areas designated by state laws, regulations, administrative rules and administrative plans stipulated by county government or higher level governments, and town center and their suburb areas, residential areas and other sensitive areas.

2. Size of Enterprises and Other External Conditions

Bauxite: [omitted]

Alumina: [omitted]

Electrolytic aluminum: newly-built electrolytic aluminum project must be approved by some administrative department under the State Council, and must ensure on its own alumina supply, required electricity supply and transportation and other external conditions. Integration of hydro aluminum, coal aluminum or aluminum electricity through electrolytic aluminum enterprises restructuring is encouraged. Proportion of self-invested capital of any electrolytic aluminum project must reach 40% or above.

Secondary aluminum: [omitted]

II. Quality, Techniques and Equipment

1. Quality

Bauxite mining enterprises and aluminum smelting enterprises shall have a complete quality management system, the quality of bauxite ore products shall comply with GB/T24483-2009, the quality of alumina product must comply with the YS/T803-2012, the

quality of pre-baked anode aluminum electrolysis must comply with the YS/T285-2012, and unalloyed aluminum ingots for re-melting must comply with GB/T1196-2008 and other national standards.

2. Techniques and Equipment

Bauxite: [omitted]

Alumina: [omitted]

Electrolytic aluminum: The new-built electrolytic and reformatory aluminum projects must adopt the large-scale prebaked anode aluminum reduction cell technology which is, at minimum, 400KA. The existing aluminum plant must adopt the prebaked anode aluminum reduction cell technology which is, at minimum, 160KA. It is prohibited to adopt wet process technique to produce fluorides for aluminum reduction aluminum fluoride salt. Carbon anode for aluminum smelter projects should be equipped with high efficient purification of flue gas desulfurization device while using medium, high sulfur petroleum coke in raw materials and achieve standard discharge. It is prohibited to construct individual program of anode carbon for aluminum with production capacity below 150,000 tons per year and individual program of cathode carbon for aluminum with production capacity below 20,000 tons per year.

Secondary aluminum: [omitted]

III. Energy Consumption

According to the back-step coefficient of 1 kilo-watt hour electricity equivalent to 0.1229 kilogram standard coal, the energy consumption in aluminum industry should comply with the entry standards as follow.

Bauxite: [omitted]

Alumina: [omitted]

Electrolytic aluminum: consumption of alternating current of newly-built and reconstructed production of electrolytic aluminum liquid should be lower than 12,750 kilo-watt hour per ton of aluminum, and the consumption of alternating current of aluminum ingot should be lower than 13,200 kilo-watt hour per ton of aluminum; efficiency of the current should be higher than 93%. The consumption of alternating current of the existing production of electrolytic aluminum liquid should be lower than 13,350 kilo-watt hour per ton of aluminum, the comprehensive consumption of alternating current of aluminum ingot should be lower than 13,380 kilo-watt hour per ton of aluminum; efficiency of the current should be higher than 92%. Those whose comprehensive consumption of alternating current is higher than the standard are not allowed to enter the aluminum industry. Existing enterprises whose comprehensive expenditure of alternating current has not met the normalization criteria need to continue undertaking technical renovation to reduce energy expenditure and to meet the same standard as that of newly-built and reconstructed enterprises by the end of “12th five-year plan”.

Secondary aluminum: [omitted]

IV Consumption and Comprehensive Utilization of Resources

Electrolytic aluminum: For new construction and renovation of electrolytic aluminum systems, to produce 1 ton aluminum, the unit cost of alumina should be less than 1920 kilograms in principle, consumption of fluoride salt should be less than 18 kilograms, consumption of carbon anode should be less than 410 kilograms, new water consumption should be less than 3 tons, and the size of occupied land should be less than 1.5 square meters.

V Environment Protection and Land Reclamation

Discharges of pollutants caused by enterprises engaged in electrolytic aluminum and secondary aluminum must comply with the standards established under “*Guidelines Regarding Discharges of Aluminum Industrial Pollutants*” (GB25465-2010), the total amount of discharges of pollutants must be kept in compliance with the standards and shall not exceed the total volume control targets of the environmental protection department for approval. Enterprises shall make deep treatment of industrial wastewater and circulation utilization afterwards. Fluoride emissions of electrolytic aluminum projects must be less than 0.6 kg / ton of aluminum.

In accordance with the *Environmental Protection Law of the People’s Republic of China* and other relevant laws and regulations, all newly-constructed, reconstructed and expansion projects should obtain the Pollution Discharge License (“PDL”). Enterprises shall not start any production or sales activities until a PDL is obtained (with the exception of areas where the requirement for a PDL has not been implemented).

VI. Safety Production and Occupational Hazard

The construction projects of electrolytic aluminum and secondary aluminum must meet the provisions under the *Safe Production Law of the People’s Republic of China*, *The Law of the People’s Republic of China on Safety in Mines*, and the *Law of the Peoples Republic of China on Prevention and Control of Occupational Diseases* and other laws and regulations. Any new or reconstructed projects must contain such safety and prevention programs and such programs must be designed, implemented, and used simultaneously with the design and implementation of the main projects.

VII . Monitoring and Administration

(A) Apply, review and announcement for the normalization criteria on aluminum industry

1. The Ministry of Industry and Information Technology take charge of the regulation of aluminum industry. Applicant of bauxite mines, alumina, electrolytic aluminum and secondary aluminum enterprises must prepare *Application Report of Aluminum Industry Norms* and to provide relevant materials as required. Local companies shall apply to the Ministry of Industry and Information Technology by local industry authorities in the region, and the enterprises subordinated to the state council SASAC shall directly apply to the Ministry of Industry and Information Technology, both of which shall copy to the provincial industry authorities.

VIII. Supplementary Provisions

(1)*The Normalization Criteria on Aluminum Industry* shall apply to all types of bauxite mines, alumina, electrolytic aluminum and secondary aluminum enterprises in the territories of China (with the exception of Hong Kong, Macau and Taiwan). The existing enterprises refer to that was established prior to the publication hereof.

(2)If the *Normalization Criteria* are altered, the altered one shall deem to apply.

(3)The *Normalization Criteria* will be in force and effect as of the day of publication. The original *Requirements of Entry into the Aluminum Industry* (Notice No. 64 of 2007) shall be repealed simultaneously.

铝行业规范条件

为加快铝工业结构调整，规范企业生产经营秩序，抑制铝冶炼产能无序扩张，促进行业持续健康协调发展和节能减排目标的实现，依据《工业转型升级规划（2011-2015年）》、《产业结构调整指导目录（2011年本）》、《铝工业“十二五”发展专项规划》和《再生有色金属产业发展推进计划》等，制订铝行业规范条件。

一、企业布局、规模和外部条件

（一）企业布局

铝土矿开采、氧化铝、电解铝和再生铝项目必须符合国家产业政策和铝工业发展总体规划、土地利用总体规划、城镇规划、主体功能区规划，要根据资源、能源、环境条件，合理布局建设铝冶炼企业。现有生产要素缺乏竞争力地区的电解铝企业要逐步转移退出，在规划引导和总量控制下，有序向竞争力强的地区转移，严格控制新增产能，防止盲目投资加剧产能过剩矛盾。

在国家法律、法规、规章及规划确定或县级以上人民政府批准的饮用水水源保护区、基本农田保护区、自然保护区、生态旅游区、森林公园、风景名胜区、生态功能保护区、军事设施等重点保护地区，城镇中心区及其近郊，居民集中区等敏感区域附近建设氧化铝、电解铝及再生铝企业，应根据环境影响评价结论确定厂址位置及其与周围人群和敏感区域的距离。

（二）生产规模及主要外部条件

铝土矿：开采铝土矿资源，必须依法取得采矿许可证，遵守矿产资源、安全生产法律法规、矿产资源规划及相关政策。采矿权人应按照批准的开发利用方案进行开采，严禁无证开采、乱采滥挖和破坏浪费资源。

氧化铝：氧化铝项目建设，必须按照国家有关规定经有关部门核准，同时落实铝土矿（包括高铝粉煤灰）资源、水资源和交通运输等外部建设条件。氧化铝项目建设规模必须在80万吨/年及以上，利用国内铝土矿的氧化铝项目，配套建设的铝土矿矿山比例应达到85%以上，资源保障年限应在30年以上；利用进口铝土矿的氧化铝项目，必须有长期可靠的境外铝土矿资源作为原料保障，通过合资合作方式取得5年以上铝土矿长期合同的原料必须达到总需求的60%以上。利用高铝粉煤灰资源生产氧化铝项目必须接近粉煤灰产地，建设规模应达到年生产能力50万吨及以上，高铝粉煤灰资源保障服务年限应不得低于30年。

电解铝：新增生产能力的电解铝项目，必须按照国家有关规定经有关部门核准，同时要有氧化铝原料供应保证，并落实电力供应、交通运输等内外部条件。鼓励电解铝企业通过重组实现水电铝、煤电铝或铝电一体化。电解铝项目最低资本金比例必须达到40%。

再生铝：新建再生铝项目，规模应在10万吨/年及以上；现有再生铝企业的生产规模不小于5万吨/年。

二、质量、工艺和装备

（一）质量

铝土矿开采和铝冶炼企业须具备完备的产品质量管理体系，铝土矿石产品质量必须符合GB/T24483-2009、氧化铝产品质量必须符合YS/T803—2012、铝用预焙阳极产品质量必须符合YS/T285—2012、重熔用铝锭必须符合GB/T1196—2008等国家标准。

（二）工艺技术和装备

铝土矿：铝土矿山（包括与煤矿等伴生的铝土矿）必须采用适合矿床开采技术条件的先进采矿方法，尽量采用大型设备，提高自动化水平，并依据铝土矿资源情况增设脱硫和除铁生产系统。

氧化铝：氧化铝项目要根据铝土矿资源情况选择拜耳法、串联法等效率高、工艺先进、能耗低、排放少、环保达标、资源综合利用效果好的生产工艺及装备，并满足国家《节约能源法》、《清洁生产促进法》、《环境保护法》等法律法规的要求。

电解铝：新建及改造电解铝项目，必须采用400kA及以上大型预焙槽工艺。现有电解铝生产线要达到160kA及以上预焙槽。禁止采用湿法工艺生产铝用氟化盐。铝用炭阳极项目采用中、高硫石油焦原料时，必须配备高效的烟气脱硫净化装置，并实现达标排放，禁止建设15万吨/年以下的独立铝用炭阳极项目和2万吨/年以下的独立铝用炭阴极项目。

再生铝：再生铝项目必须按照规模化、环保型的发展模式建设，必须采用双室炉、带蓄热式燃烧系统满足废烟气热量回收利用、提高金属回收率等的先进熔炼炉型，并配套建设铝灰渣综合回收及二噁英防控能力的设备设施。禁止利用直接燃煤反射炉和4吨以下其他反射炉生产再生铝，禁止采用坩埚炉熔炼再生铝合金。现有再生铝生产系统，应采取有效措施去除原料中含氯物质及切削油等有机物。

三、能源消耗

按照1千瓦时电力折0.1229千克标准煤的折标系数，对铝行业能源消耗提出如下规

范指标。

铝土矿：铝土矿地下开采原矿综合能耗要低于 25 千克标准煤/吨矿，露天开采原矿综合能耗要低于 13 千克标准煤/吨矿。

氧化铝：新建拜耳法氧化铝生产系统综合能耗必须低于 480 千克标准煤/吨氧化铝，新建利用高铝粉煤灰生产氧化铝系统综合能耗必须低于 1900 千克标准煤/吨氧化铝（含副产品），其他工艺氧化铝生产系统综合能耗必须低于 750 千克标准煤/吨氧化铝。现有拜耳法氧化铝生产系统综合能耗必须低于 500 千克标准煤/吨氧化铝，其他工艺氧化铝生产系统综合能耗必须低于 800 千克标准煤/吨氧化铝。

电解铝：新建和改造的电解铝铝液电解交流电耗必须低于 12750 千瓦时/吨铝，铝锭综合交流电耗必须低于 13200 千瓦时/吨铝，电流效率原则上不应低于 93%。现有电解铝企业铝液电解交流电耗必须低于 13350 千瓦时/吨铝，铝锭综合交流电耗必须低于 13800 千瓦时/吨铝，电流效率原则上不应低于 92%。不符合交流电耗规范条件的现有企业要通过技术改造节能降耗，在“十二五”末达到新建和改造企业能耗水平。

再生铝：再生铝生产系统，必须有节能措施，新建及改造再生铝项目综合能耗应低于 130 千克标准煤/吨铝，现有再生铝企业综合能耗应低于 150 千克标准煤/吨铝。

四、资源消耗及综合利用

铝土矿：铝土矿采矿损失率地下开采不超过 12%、露天开采不超过 8%；采矿贫化率地下开采不超过 10%、露天开采不超过 8%。禁止建设资源利用率低的铝土矿山及选矿厂。铝土矿的实际采矿损失率和选矿回收率分别不得超过和低于批准的矿产资源开发利用方案规定的指标及设计标准。

氧化铝：采用铝土矿铝硅比大于 7 的新建拜耳法氧化铝生产系统，氧化铝综合回收率应达到 80%以上，鼓励增加赤泥综合处理回收技术及流程，进一步提高氧化铝的回收率并降低碱耗，新水消耗应低于 3 吨/吨氧化铝，占地面积应小于 0.5 平方米/吨氧化铝。新建其他工艺氧化铝生产系统氧化铝综合回收率应达到 90%以上，新水消耗应低于 7 吨/吨氧化铝，占地面积应小于 1.2 平方米/吨氧化铝。新建利用高铝粉煤灰生产氧化铝系统氧化铝回收率应达到 85%及以上，新水消耗应低于 10 吨/吨氧化铝，占地面积应小于 1.6 平方米/吨氧化铝（不包含固体废弃物堆存占地面积），硅钙渣等固体废弃物综合利用率必须达到 96%以上。

对于现有氧化铝企业，使用矿石铝硅比 5.5 以上的，氧化铝综合回收率应达到 75%以上；使用矿石铝硅比 5.5 及以下的氧化铝企业，应采用先进可靠技术对尾矿和赤泥进

行综合利用，尽可能提高氧化铝综合回收率，降低碱耗和水耗。

电解铝：新建和改造的电解铝系统，氧化铝单耗原则上应低于 1920 千克/吨铝，原铝液消耗氟化盐原则上应低于 18 千克/吨铝，炭阳极净耗应低于 410 千克/吨铝，新水消耗应低于 3 吨/吨铝，占地面积应小于 1.5 平方米/吨铝。现有电解铝企业，氧化铝单耗原则上应低于 1920 千克/吨铝，原铝液消耗氟化盐原则上应低于 20 千克/吨铝，炭阳极净耗应低于 420 千克/吨铝，新水消耗应低于 3 吨/吨铝。现有企业要通过提高技术水平加强管理降低资源消耗，在“十二五”末达到新建企业标准。

再生铝：新建、改扩建废铝再生利用项目铝的总回收率 95%以上，现有废铝再生利用企业铝的回收率 91%以上。废铝再生利用企业应配备热灰处理设备，如热渣压制机、炒灰机、回转式热灰处理设备等，综合回收铝灰渣，最终废弃铝灰渣中铝含量 3%以下。废水循环利用率 98%以上。

五、环境保护

铝土矿、氧化铝、电解铝及再生铝项目应严格执行建设项目环境影响评价管理制度，落实各项环境保护措施，生产项目未经环境保护部门验收不得正式投产。

铝土矿矿山开发要注重土地和环境保护，根据“边开采、边治理”的原则，严格执行矿山生态恢复治理保障金制度，编制矿山生态保护与治理恢复方案，并按照方案进行矿山生态、地质环境恢复治理和矿区土地复垦。

氧化铝、电解铝及再生铝企业污染物排放要符合国家《铝工业污染物排放标准》（GB25465-2010），污染物达标排放，企业污染物排放总量不超过环保部门核定的总量控制指标。企业要做到工业废水深度处理后循环利用，减少排放。电解铝项目氟排放量必须低于 0.6 千克/吨铝，氧化铝厂、电解铝厂、铝用炭素厂应按环保部门要求开展自行监测，在烟尘净化系统烟囱尾气排放点安装污染物自动监控设施，定期向社会公告自行监测结果；应对电解车间、焙烧车间天窗等部位定期进行无组织排放监测；新建及现有再生铝项目配套生产设备中需配备废铝熔炼烟气、粉尘高效处理装置，做到烟气、粉尘收集过滤后达标排放；同时对所产生的固体废弃物进行无害化处置，防止产生二次污染；对赤泥进行浸出毒性鉴别，如属于危险废物应严格执行危险废物管理相关规定，尚不能利用的赤泥需完全实现无害化处置。申请规范当年及上一年度未发生重大及以上突发环境事件。

根据《中华人民共和国环境保护法》等有关法律法规，所有新建和改造项目必须按

照有关规定办理《排污许可证》(尚未实行排污许可证制度的地区除外)后,企业方可进行生产和销售等经营活动,持证排污,达标排放。

六、安全生产与职业病防治

矿山、氧化铝、电解铝及再生铝建设项目必须符合《安全生产法》、《矿山安全法》、《职业病防治法》等法律法规规定;新建和改造项目安全设施和职业病防护设施必须严格履行“三同时”手续。

矿山企业要依照《安全生产许可证条例》(国务院令第 397 号)等有关规定,依法取得安全生产许可证后方可从事生产活动。氧化铝企业赤泥堆场应符合国家有关尾矿库安全管理规定及技术规程。

七、规范管理

(一) 铝行业企业规范条件的申请、审核及公告

1.工业和信息化部负责铝行业规范管理工作。申请规范的铝土矿、氧化铝、电解铝及再生铝企业须编制《铝行业规范申请报告》并按要求提供相关材料。地方企业通过本地区工业主管部门向工业和信息化部申请,中央企业直接向工业和信息化部申请,并抄送所在地省级工业主管部门。

2.各省、自治区、直辖市及计划单列市工业主管部门负责接收本地区相关企业规范申请和初审,中央企业自审。

3.工业和信息化部依据规范标准,对申请企业进行核查,符合规范条件的进行公示,无异议后予以公告。

(二)工业和信息化部对公告企业名单进行动态管理。地方各级工业主管部门每年要对本地区企业执行规范条件的情况进行监督检查。工业和信息化部对公告企业进行抽查。鼓励社会各界对公告企业规范情况进行监督。公告企业有下列情况的将撤销其公告资格:

- 1.填报相关资料有弄虚作假行为的;
- 2.拒绝接受监督检查的;
- 3.不能保持规范条件的;
- 4.发生较大及以上生产安全事故,造成严重社会影响的。

(三)公告符合规范条件的企业名单,作为相关政策支持的基础性依据。对未列入公告名单的企业,相关政策将不予支持。

八、附则

（一）本规范条件适用于中华人民共和国境内(港澳台地区除外)所有类型的铝土矿、氧化铝、电解铝及再生铝企业，现有企业指本规范条件发布之日前建成的企业。

（二）本规范条件中涉及的国家标准若进行了修订，则按修订后的新标准执行。

（三）本规范条件自发布之日起实施，原《铝行业准入条件》(2007 年第 64 号公告)同时废止。

（四）本规范条件由工业和信息化部负责解释，并根据行业发展情况适时修订。

Regulations on Classification of Registrations Type of Enterprises

1 The regulations focus on the enterprises registered in Administration for Industry & Commerce, while other economic entities shall refer to the subject regulation for enforcement.

2. The regulation is on the basis of types of enterprises registered at Administration for Industry & Commerce. The registration type of enterprises can be classified as follows:

- (1) domestic-invested enterprises;
- (2) state-owned enterprises;
- (3) collective-owned enterprises;
- (4) shareholding cooperatives enterprises;
- (5) collaboration enterprises;
- (6) limited liability enterprises;
- (7) shareholding enterprises;
- (8) private proprietorship enterprises;
- (9) other enterprises;
- (10) enterprises invested by HK Macao and Taiwan
- (11) equity joint venture enterprises(investor from HK Macao or Taiwan)
- (12) contractual joint venture enterprises (investor from HK Macao and Taiwan)
- (13) wholly invested enterprises by investor from HK Macao and Taiwan
- (14) shareholding enterprises invested by investor from HK Macao and Taiwan
- (15) foreign-invested enterprises
- (16) Sino-foreign equity joint venture enterprises
- (17) Sino-foreign contractual joint venture enterprises
- (18) foreign enterprises
- (19) shareholding enterprises invested by foreigners

3. State-owned enterprise, the equity of which owned by state, is a non-company entity and registers according to *Regulations for the Registration of Legal Corporation*, not including the wholly state-owned.
4. Collective-owned enterprise is a kind of economic entity, which registered according to *Regulations for the Registration of Legal Corporation* and the equity of which is owned collectively.
5. Shareholding cooperatives enterprise based on cooperation system, is a kind of collective economic entity which decides its own management, undertakes profits and losses independently, adopts democratic management and combines the distribution according to work with shares of stock. This kind of enterprise is invested by its workers and absorbs some social capital on specific proportion.
6. Collaboration enterprises is invested and established on the principles of voluntariness, equality and mutual benefit by two or more enterprises or institutions having the same ownership or not.
7. Limited liability enterprise is invested by more than 2 stockholders and less than 50 stockholders. Each stockholder takes on liability within his amount of investment, while the enterprise should take on its liability with its all asset. This kind of enterprise should register according to *Ordinance on Administration and Registration of Company of China*.

Limited liability enterprise includes wholly state-owned and other limited liability enterprises.

Wolly state-owned enterprise is a limited liability company soley established and invested by investment institution or department authorized by the state.

Other limited liability enterprise refers to other limited liability company out of the wholly state-owned company.

8. Shareholding company is registered according to *Ordinance on Administration and Registration of Company of China*. Its registered capital is divided into equal share and it raises capital by issuing stock. Stockholder takes on enterprise liabilities within its investment, while enterprise takes on its debt with all the asset.

9. Private enterprise is a profit economic entity, invested by natural person or controlled by natural person and based on employment. It includes private limited liability company, private shareholding company, private partnership and wholly private enterprise, all of which have registered in accordance with *Company Law*, *Partnership Enterprise Law* and *Interim Ordinance of Private Enterprise*.

Wholly private enterprise is invested and managed by one natural person, based on employment. The investor shall take unlimited liabilities of the enterprise debt.

Private partnership has more than 2 natural persons to invest, take measures to manage and undertake profits and losses together. It is based on employment and takes unlimited liabilities of enterprise debt.

Private limited liability company is invested by more than 2 natural persons or solely controlled by natural person, which must abide by *Company Law* or *Interim Ordinance of Private Enterprise*.

Private shareholding company is invested by more than 5 natural persons or solely controlled by natural person, which must abide by *Company Law*.

10. Other enterprise refers to other domestic economic entity out of the scope of article 3 to article 9.

11. Joint venture enterprises (investor from HK Macao or Taiwan) is set up in accordance with contract between investor from HK Macao or Taiwan District and mainland enterprise and also must obey *law of Chinese-foreign joint venture enterprises* and other relevant regulations. Both parties to the contract must invest to establish enterprise, share profits and risks based on contract

12. Cooperative enterprises (investor from HK Macao and Taiwan) is set up in accordance with cooperative contract between investor from HK Macao or Taiwan District and mainland enterprise and also must obey *law of Chinese-foreign cooperative enterprises* and other relevant regulations. Both parties to the contract must invest to establish enterprise, share profits and risks based on contract

13. Enterprise, solely invested by HK Macao or Taiwan's investor, is set up in Chinese mainland, while it's invested wholly by investor from HK Macao or Taiwan

District. It must obey *Law of Foreign-Capital Enterprises* and the relevant regulations

14. Liability limited by shares enterprise invested by businessmen from HK Macao and Taiwan has capital stock from HK Macao or Taiwan over 25% in registered capital; otherwise it will be a civil funded enterprise. To set up this kind of enterprise must obtain the permit of ministry of Foreign Trade and Economic Cooperation and obey the relevant national regulations.

15. Sino-Foreign joint venture enterprise is set up in accordance with contract between foreign enterprise or foreign and Chinese mainland enterprise and also should obey *law of Sino-foreign joint venture enterprise* and other relevant regulations. Both parties to the contract must invest on regulated proportion to establish enterprise and share profits and risks based on contract.

16. Chinese-Foreign cooperative enterprise bases on cooperative contract, also in accordance with *Law on Sino-foreign cooperative enterprises* and other relevant regulations. Both of the foreign party (including foreign enterprise and foreigner) and Chinese party (mainland enterprise) should obey the contract to invest or provide conditions for the establishment of the enterprise, distribution of profits and risk-sharing.

17. Wholly Foreign Owned Enterprises is established in China, while it is invested wholly by foreigners. It must obey *Law of Foreign Equity Enterprises* and the relevant regulations

18. Liability limited by shares enterprise invested by foreign businessmen has foreign capital stock over 25% in registered capital; otherwise it will be a civil funded enterprise. To set up this kind of enterprise must obtain the permit of ministry of Foreign Trade and Economic Cooperation and obey the national regulations.

19. The right to explain *the regulations* belongs to National Bureau of Statistics and Administration for Industry & Commerce

20. *The regulations* should be carried out once published. At the same time, *temporary regulations on classifying economic types(1992)* is abolished, which issued

by National Bureau of Statistics and Administration for industry & commerce

Types of enterprises' registrations and corresponding codes

code	types of enterprises' registrations
	100 domestic enterprises 110 state-owned enterprises 120 collectively-owned enterprises 130 shareholding cooperatives enterprises 140 Collaboration enterprise 141 Collaboration between state owned 142 Collaboration between collectively owned 143 Collaboration between collective owned and state owned 149 other collaboration enterprise 150 limited liability company 151 wholly state-owned company 159 other limited liability company 160 shareholding company 170 private enterprises 171 private solely-owned enterprise, 172 private partnership enterprise 173 private limited liability company 174 private shareholding company 190 other enterprises 200 Enterprises from HK Macao and Taiwan 210 Joint venture with HK, Macau, and Taiwan 220 Contractual joint venture with HK, Macau, and Taiwan 230 Wholly owned company by HK, Macau, and

	<p>Taiwan</p> <p>300 foreign-invested enterprises</p> <p>310 Sino-foreign equity joint venture</p> <p>320 Sino-foreign contractual joint venture</p> <p>330 Wholly Foreign owned enterprise</p> <p>340 Shareholding company invested by foreign investor</p>
--	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

关于划分企业登记注册类型的规定

第一条 本规定以在工商行政管理机关登记注册的各类企业为划分对象。其他经济组织参照本规定执行。

第二条 本规定以工商行政管理部门对企业登记注册的类型为依据，将企业登记注册类型分为以下几种：

内资企业

国有企业

集体企业

股份合作企业

联营企业

有限责任公司

股份有限公司

私营企业

其他企业

港、澳、台商投资企业

合资经营企业（港或澳、台资）

合作经营企业（港或澳、台资）

港、澳、台商独资经营企业

港、澳、台商投资股份有限公司

外商投资企业

中外合资经营企业

中外合作经营企业

外资企业

外商投资股份有限公司

第三条 国有企业是指企业全部资产归国家所有，并按《中华人民共和国企业法人登记管理条例》规定登记注册的非公司制的经济组织。不包括有限责任公司中的国有独资公司。

第四条 集体企业是指企业资产归集体所有，并按《中华人民共和国企业法人登记管理条例》规定登记注册的经济组织。

第五条 股份合作企业是指以合作制为基础，由企业职工共同出资入股，吸收一定比例的社会资产投资组建，实行自主经营，自负盈亏，共同劳动，民主管理，按劳分配与按股分红相结合的一种集体经济组织。

第六条 联营企业是指两个及两个以上相同或不同所有制性质的企业法人或事业单位法人，按自愿、平等、互利的原则，共同投资组成的经济组织。

第七条 有限责任公司是指根据《中华人民共和国公司登记管理条例》规定登记注册，由两个以上，五十个以下的股东共同出资，每个股东以其所认缴的出资额对公司承担有限责任，公司以其全部资产对其债务承担责任的经济组织。

有限责任公司包括国有独资公司以及其他有限责任公司。

国有独资公司是指国家授权的投资机构或者国家授权的部门单独投资设立的有限责任公司。

其他有限责任公司是指国有独资公司以外的其他有限责任公司。

第八条 股份有限公司是指根据《中华人民共和国公司登记管理条例》规定登记注册，其全部注册资本由等额股份构成并通过发行股票筹集资本，股东以其认购的股份对公司承担有限责任，公司以其全部资产对其债务承担责任的经济组织。

第九条 私营企业是指由自然人投资设立或由自然人控股，以雇佣劳动为基础的营利性经济组织。包括按照《公司法》、《合伙企业法》、《私营企业暂行条例》规定登记注册的私营有限责任公司、私营股份有限公司、私营合伙企业和私营独资企业。

私营独资企业是指按《私营企业暂行条例》的规定，由一名自然人投资经营，以雇佣劳动为基础，投资者对企业债务承担无限责任的企业。

私营合伙企业是指按《合伙企业法》或《私营企业暂行条例》的规定，由两个以上自然人按照协议共同投资、共同经营、共负盈亏，以雇佣劳动为基础，对债务承担无限责任的企业。

私营有限责任公司是指按《公司法》、《私营企业暂行条例》的规定，由两个以上自然人投资或由单个自然人控股的有限责任公司。

私营股份有限公司是指按《公司法》的规定，由五个以上自然人投资，或由单个自然人控股的股份有限公司。

第十条 其他企业是指上述第三条至第九条之外的其他内资经济组织。

第十一条 合资经营企业（港或澳、台资）是指港澳台地区投资者与内地企业依照《中华人民共和国中外合资经营企业法》及有关法律的规定，按合同规定的比例投资设立、分享利润和分担风险的企业。

第十二条 合作经营企业（港或澳、台资）是指港澳台地区投资者与内地企业依照《中华人民共和国中外合作经营企业法》及有关法律的规定，依照合作合同的约定进行投资或提供条件设立、分配利润和分担风险的企业。

第十三条 港、澳、台商独资经营企业是指依照《中华人民共和国外资企业法》及有关法律的规定，在内地由港澳台地区投资者全额投资设立的企业。

第十四条 港、澳、台商投资股份有限公司是指根据国家有关规定，经外经贸部依法批准设立，其中港、澳、台商的股本占公司注册资本的比例达 25% 以上的股份有限公司。凡其中港、澳、台商的股本占公司注册资本的比例小于 25% 的，属于内资企业中的股份有限公司。

第十五条 中外合资经营企业是指外国企业或外国人与中国内地企业依照《中华人民共和国中外合资经营企业法》及有关法律的规定，按合同规定的比例投资设立、分享利润和分担风险的企业。

第十六条 中外合作经营企业是指外国企业或外国人与中国内地企业依照《中华人民共和国中外合作经营企业法》及有关法律的规定，依照合作合同的约定进行投资或提供条件设立、分配利润和分担风险的企业。

第十七条 外资企业是指依照《中华人民共和国外资企业法》及有关法律的规定，在中国内地由外国投资者全额投资设立的企业。

第十八条 外商投资股份有限公司是指根据国家有关规定，经外经贸部依

法批准设立，其中外资的股本占公司注册资本的比例达 25% 以上的股份有限公司。凡其中外资股本占公司注册资本的比例小于 25% 的，属于内资企业中的股份有限公司。

第十九条 本规定由国家统计局会同国家工商行政管理局负责解释。

第二十条 本规定自颁布之日起施行，国家统计局和国家工商行政管理局一九九二年制定的《关于经济类型划分的暂行规定》同时废止。

企业登记注册类型与代码

代 码	企 业 登 记 注 册 类 型
100	内资企业
110	国有企业
120	集体企业
130	股份合作企业
140	联营企业
141	国有联营企业
142	集体联营企业
143	国有与集体联营企业
149	其他联营企业
150	有限责任公司
151	国有独资公司
159	其他有限责任公司
160	股份有限公司
170	私营企业
171	私营独资企业

172	私营合伙企业
173	私营有限责任公司
174	私营股份有限公司
190	其他企业
200	港、澳、台商投资企业
210	合资经营企业（港或澳、台资）
220	合作经营企业（港或澳、台资）
230	港、澳、台商独资经营企业
240	港、澳、台商投资股份有限公司
300	外商投资企业
310	中外合资经营企业
320	中外合作经营企业
330	外资企业
340	外商投资股份有限公司

The Company Law of the People's Republic of China was amended and adopted at the 18th session of the Standing Committee of the Tenth National People's Congress of the People's Republic of China on October 27, 2005. The amended Company Law of the People's Republic of China is hereby promulgated and shall come into force as of January 1, 2006.

President of the People's Republic of China Hu Jintao
October 27, 2005

Company Law of the People's Republic of China

(Adopted at the Fifth Session of the Standing Committee of the Eighth National People's Congress on December 29, 1993. Revised for the first time on December 25, 1999 according to the Decision of the Thirteenth Session of the Standing Committee of the Ninth People's Congress on Amending the Company Law of the People's Republic of China. Revised for the second time on August 28, 2004 according to the Decision of the 11th Session of the Standing Committee of the 10th National People's Congress of the People's Republic of China on Amending the Company Law of the People's Republic of China. Revised for the third time at the 18th Session of the 10th National People's Congress of the People's Republic of China on October 27, 2005)

Contents

Chapter I General Provisions

Chapter II Establishment and Organizational Setup of A Limited Liability Company

Section 1 Establishment

Section 2 Organizational Setup

Section 3 Special Provisions on One-person Limited Liability Companies

Section 4 Special Provisions on Solely State-owned Companies

Chapter III Transfer of Stock Right of A Limited Liability Company

Chapter IV Establishment and Organizational Setup of A Joint Stock Limited Company

Section 1 Establishment

Section 2 Shareholders' Assembly

Section 3 Board of Directors, Managers

Section 4 Board of Supervisors

Section 5 Special Provisions on the Organizational Setup of A Listed Company

Chapter V Issuance and Transfer of Shares of A Joint Stock Limited Company

Section 1 Issuance of Shares

Section 2 Transfer of Shares

Chapter VI Qualifications and Obligations of the Directors, Supervisors and Senior Management of A Company

Chapter VII Corporate Bonds

Chapter VIII Financial Affairs and Accounting of A Company

Chapter IX Merger and Split-up of Company; Increase and Deduction of Registered Capital

Chapter X Dissolution and Liquidation of A Company

Chapter XI Branches of Foreign Companies

Chapter XII Legal Liabilities

Chapter XIII Supplementary Provisions

Chapter I General Provisions

Article 1 This Law is enacted for the purposes of regulating the organization and operation of companies, protecting the legitimate rights and interests of companies, shareholders and creditors, maintaining the socialist economic order, and promoting the development of the socialist market economy

Article 2 The term “company” as mentioned in this Law refers to a limited liability company or a joint stock company limited set up within the territory of the People’s Republic of China according to the provisions of this law.

Article 3 A company is an enterprise legal person, which has independent legal person property and enjoys the right to legal person property. It shall bear the liabilities for its debts with all its property. For a limited liability company, a shareholder shall be liable for the company to the extent of the capital contributions it has paid. For a joint stock limited company, a shareholder shall be liable for the company to the extent of the shares it has subscribed to.

Article 4 The shareholders of a company shall be entitled to enjoy the capital proceeds, participate in making important decisions, choose managers and enjoy other rights.

Article 5 In conducting business operations, a company shall comply with the laws and administrative regulations, social morality, and business morality. It shall act in good faith, accept the supervision of the government and general public, and bear social responsibilities.

The legitimate rights and interests of a company shall be protected by law against and may not be trespassed.

Article 6 To establish a company, an application for establishment registration shall be filed with the company registration authority. If the application meets the establishment requirements of this Law, the company registration authority shall register the company as a limited liability company or joint stock limited company. If the application does not meet the establishment requirements of

this Law, it shall not be registered as a limited liability company or joint stock limited company.

If any law or administrative regulation provides that the establishment of a company shall be subject to approval, and relevant approval formalities shall be gone through prior to the registration of the company.

The general public may consult the company registration matters at a company registration authority, which shall provide consulting services.

Article 7 For a lawfully established company, the company registration authority shall issue to it a company business license. The date of issuance of the company business license shall be the date of establishment of the company.

The company business licence shall state the name, domicile, registered capital, ~~actually paid capital~~, business scope, legal representative, etc.

If any of the items as stated in the business license is changed, the company shall modify the registration and the company registration authority shall replace its old business license by a new one.

Article 8 A limited liability company established according to this Law shall include the words “limited liability company” or “limited company” in its name. A joint stock limited company established according to this Law shall include words “joint stock limited company” or “joint stock company”.

Article 9 A limited liability company to be changed into a joint stock limited company shall satisfy the requirements as prescribed in this Law for joint stock limited companies. A joint stock limited company to be changed into a limited liability company shall conform to the conditions as prescribed in this Law for limited liability companies. In either of the aforesaid cases, the creditor’s rights and debts of the company prior to the change shall be succeeded by the company after the change.

Article 10 A company shall regard its main office as its domicile.

Article 11 A company established according to this law shall formulate its articles of association that are binding on the company, its shareholders, directors, supervisors and senior management.

Article 12 A company’s business scope shall be defined in its articles of association and shall be registered according to law. The company may change its business scope by modifying its articles of association, but it shall go through the formalities for modifying the registration.

If the business scope a company covers any item subject to approval pursuant to any law or administrative regulation, approval shall be obtained in accordance with the law.

Article 13 The legal representative of a company shall, under its articles of association, be assumed by the chairman of the board of directors, acting director or manager and shall be

registered in accordance with the law. If the legal representative of the company is changed, the company shall go through the formalities for modifying the registration.

Article 14 A company may set up branches. To set up a branch, the company shall file a registration application with the company registration authority and shall obtain a business license. A branch shall not enjoy the status of an enterprise legal person and its civil liabilities shall be born by its parent company.

A company may set up subsidiaries which enjoy the status of an enterprise legal person and shall be independently responsible for their own civil liabilities.

Article 15 A company may invest in other enterprises. However, unless it is otherwise provided for by any law, it shall not become a capital contributor that shall bears several and joint liabilities for the debts of the enterprises it invests in.

Article 16 Where a company intends to invest in any other enterprise or provide guaranty for others, it shall, under its articles of association, make a resolution through the board of directors, shareholders' meeting or shareholders' assembly. If the articles of association prescribe any limit on the total amount of investments or guaranties, or on the amount of a single investment or guaranty, the aforesaid total amount or amount shall not exceed the limited amount.

If a company intends to provide guaranty to a shareholder or actual controller of the company, it shall make a resolution through the shareholder's meeting or shareholders' assembly.

The shareholder as mentioned in the preceding paragraph or the shareholder dominated by the actual controller as mentioned in the preceding paragraph shall not participate in voting on the matter as mentioned in the preceding paragraph. Such matter requires the affirmative votes of more than half of the other shareholders attending the meeting.

Article 17 A company shall protect the lawful rights and interests of its employees, sign employment contracts with the employees, buy social insurances, strengthen labor protection so as to ensure work safety.

A company shall, in various forms, intensify the professional education and in-service training of its employees so as to improve their personal quality.

Article 18 The employees of a company shall, in accordance with the Labor Union Law of the People's Republic of China, organize a labor union, which shall carry out union activities and safeguard the lawful rights and interests of the employees. The company shall provide necessary conditions for its labor union to carry out activities. The labor union shall, on behalf of the employees, sign collective contracts with the company with respect to the remuneration, working hours, welfare, insurance, work safety and sanitation, and other matters.

In accordance with the Constitution and other relevant laws, a company shall adopt democratic

management in the form of assembly of the representatives of the employees or any other ways.

To make a decision on restructuring or any important issue relating to business operations, or to formulate any important bylaw, a company shall solicit the opinions of its labor union, and shall solicit the opinions and proposals of the employees through the assembly of the representatives of the employees or in any other way.

Article 19 An organization of the Chinese Communist Party shall, in accordance with the Charter of the Chinese Communist Party, be set up in the companies to carry out activities of the Chinese Communist Party. The company shall provide necessary conditions for the activities of the Chinese Communist Party.

Article 20 The shareholders of a company shall abide by the laws, administrative regulations and articles of association and shall exercise the shareholder's rights under the law. None of them may injure any of the interests of the company or of other shareholders by abusing the shareholder's rights, or injure the interests of any creditor of the company by abusing the independent status of legal person or the shareholder's limited liabilities.

Where any of the shareholders of a company causes any loss to the company or to other shareholders by abusing the shareholder's rights, it shall be liable for compensation.

Where any of the shareholders of a company evades the payment of its debts by abusing the independent status of legal person or the shareholder's limited liabilities, if it seriously injures the interests of any creditor, it shall bear several and joint liabilities for the debts of the company.

Article 21 Neither the controlling shareholder, nor the actual controller, nor any of the directors, supervisors or senior management of the company may injure the interests of the company by taking advantage of its connection relationship. Anyone who causes any loss to the company due to violating the preceding paragraph shall be liable for the compensation.

Article 22 A resolution of the shareholders' meeting, shareholders' assembly or board of directors of the company that is in violation of any law or administrative regulation shall be null and void.

If the procedures for calling a shareholders' meeting or shareholders' assembly, or meeting of the board of directors, or the voting form, is in violation of any law, administrative regulation or the articles of association, or if a resolution is in violation of the articles of association of the company, the shareholders may, within 60 days from the day when the resolution is made, request the people's court to revoke it.

If the shareholders initiate a lawsuit under the preceding paragraph, the people's court shall, at the request of the company, demand the shareholders to provide corresponding guaranty.

Where a company has, according to the resolution of the shareholders' meeting, shareholders' assembly or meeting of the board of directors, completed the modification registration, if the

people's court declares the resolution null and void or revoke the resolution, the company shall file an application with the company registration authority for revoking the modification registration.

Chapter II Establishment and Organizational Setup of A Limited Liability Company

Section 1 Establishment

Article 23 The establishment of a limited liability company shall meet the following conditions:

- (1) The number of shareholders constitutes the quorum;
- ~~(2) The amount of capital contributions paid by the shareholders reaches the statutory minimum amount of the registered capital;~~ the amount of capital contributions is in accord with the amount of capital contributions subscribed by all shareholders as recorded in the articles of association of the company;
- (3) The shareholders jointly work out the articles of association;
- (4) The company has a name and its organizational setup complies with that of a limited liability company; and
- (5) The company has a domicile.

Article 24 A limited liability company shall be established by no more than 50 shareholders that make capital contributions.

Article 25 A limited liability company shall state the following items:

- (1) The name and domicile of the company;
- (2) Business Scope of the company;
- (3) Registered capital of the company;
- (4) Names of shareholders;
- (5) Forms, amount and date of capital contributions made by shareholders;
- (6) The organizations of the company and its formation, their functions and rules of procedure;
- (7) Legal representative of the company;
- (8) Other matters deemed necessary by shareholders.

The shareholders should affix their signatures or seals to the articles of association of the company.

Article 26 The registered capital of a limited liability company shall be the total amount of capital contributions subscribed to by all the shareholders registered in the company registration authority. ~~The amount of the initial capital contributions made by all shareholders shall not be less than 20% of the registered capital, nor less than the statutory minimum amount of registered capital, the margin shall be paid off by the shareholders within 2 years from the day when the company is established; for an investment company, it may be paid off within 5 years.~~

~~The minimum amount of registered capital of a limited liability company shall be RMB 30,000 yuan.~~ If any law, ~~or administrative regulation or decision of State Council~~ prescribes a different provisions on the actual payment of registered capital or a relatively higher minimum amount of registered capital of a limited liability company, the provisions of that ~~law or administrative regulation~~ law, administrative regulation or decision shall be followed.

Article 27 A shareholder may make capital contributions in cash, in kind, or intellectual property right, land use right or other non-monetary properties that may be assessed on the basis of currency and may be transferred in accordance with the law, excluding the properties that shall not be treated as capital contributions under any law or administrative regulation.

The value of the non-monetary properties as capital contributions shall be assessed and verified, which shall not be over-valued or under-valued. If any law or administrative regulations provides for the value assessment, such law or administrative regulation shall be followed.

~~The amount of the capital contributions in cash paid by all the shareholders shall be no less than 30% of the registered capital of the limited liability company.~~

Article 28 Each shareholder shall make full payment for the capital contributions it has subscribed to according to the articles of association. If a shareholder makes his/its capital contribution in cash, he shall deposit the full amount of such cash capital contribution into a temporary bank account opened for the limited liability company. If any capital contributions are made in non-monetary properties, the appropriate transfer procedures for the property rights therein shall be followed in accordance with the law.

Where a shareholder fails to make his/its capital contribution as specified in the preceding paragraph, it shall not only make full payment to the company but also bear the liabilities for breach of contract to the shareholders who have made full payment of capital contributions on schedule.

~~Article 29 The capital contributions made by the shareholders shall be verified by a lawfully established capital verification institution, which shall issue a certification.~~

~~Article 30 Article 29 After the initial capital contributions made by the shareholders have been verified by a lawfully established capital verification institution all shareholders have fully subscribed their capital contributions provided by the articles of association, the representative designated by all the shareholders or the agent entrusted by all the shareholders shall apply for establishment registration by submitting a company registration application, articles of association, capital verification and other documents to the company registration authority.~~

Article 31 After the establishment of a limited liability company, if the actual value of the capital contributions in non-monetary properties is found to be apparently lower than that set forth in the articles of association of the company, the difference shall be made up by the shareholder who offered them, and the other shareholders of the company who established the company shall bear several and joint liabilities.

Article 32 After the establishment of a limited liability company, each shareholder shall be issued a capital contribution certificate, which shall specify the following:

- (1) The name of the company;
- (2) The date of establishment of the company;

- (3) The company's registered capital;
- (4) The name of the shareholder, the amount of his capital contribution, and the day when the capital contribution is made; and
- (5) The serial number and date of issuance of the capital contribution certificate. The capital contribution certificate shall bear the seal of the company.

~~Article 33~~ Article 32 A limited liability company shall prepare a register of shareholders, which shall record the following:

- (1) The name of each shareholder and the domicile thereof;
- (2) The amount of capital contributions made by each shareholder;
- (3) The serial number of each capital contribution certificate.

The shareholders recorded in the register of shareholders may, pursuant to the register of shareholders, claim to and exercise the shareholder's rights.

A company shall register each shareholder's name ~~and its amount of capital contributions~~ in the company registration authority. Where any of the registered items is changed, it shall modify the registration. If the company fails to do so, it shall not, on the basis of the unregistered or un-modified registration item, stand up to any third party.

Article 34 Each shareholder shall be entitled to consult and copy the articles of association, minutes of the shareholders' meetings, resolutions of the meetings of the board of directors, resolutions of the meetings of the board of supervisors, as well as financial reports.

Each shareholder may request to consult the accounting books of the company. Where a shareholder requests to consult the accounting books of the company, it shall submit a written request, which shall state its motives. If the company, on the basis of any justifiable reason, considers that the shareholder's requests to consult the accounting books for any improper purpose may impair the legitimate interests of the company, it may reject the request of the shareholder to consult them and shall, within 15 days after the shareholder submits a written request, give it a written reply, which shall include an explanation. If the company rejects the request of any shareholder to consult the accounting books, the shareholder may plead the people's court to demand the company to permit consultation.

Article 35 The shareholders shall distribute dividends on the basis of the percentages of capital contributions actually made by them unless all shareholders agree that the dividends are not distributed on the percentages of capital contributions. Where the company is to increase its capital, its shareholders have the preemptive right to subscribe to the increased amount on the basis of the same percentages of the old capital contributions they have made unless all shareholders agree that they will not subscribe to the increased amount of capital on the basis of the percentages of the old capital contributions they have made.

Article 36 After the establishment of a company, no shareholder may illegally take away the registered capital.

Section 2 Organizational Setup

Article 37 The shareholders' meeting of a limited liability company shall be composed of all the shareholders. It is the authority of the company and shall exercise its powers in accordance this Law.

Article 38 The shareholders' meeting shall exercise the following functions:

- (1) Determining the company's operational guidelines and investment plans;
- (2) Electing and changing the directors and supervisors assumed by non-representatives of the employees and deciding the matters relating to their remuneration;
- (3) Deliberating and approving reports of the board of directors;
- (4) Deliberating and approving reports of the board of supervisors or the supervisor;
- (5) Deliberating and approving annual financial budget plans and final account plans of the company;
- (6) Deliberating and approving company profit distribution plans and loss recovery plans;
- (7) Making resolutions about the increase or reduction of the company's registered capital;
- (8) Making resolutions about the issuance of corporate bonds;
- (9) Adopting resolutions about the assignment, split-up, change of company form, dissolution, liquidation of the company;
- (10) Revising the articles of association of the company;
- (11) Other functions as specified in the articles of association.

For any of the matters as listed in the preceding paragraph, if all the shareholders consent to it in writing, it is not required to convene a shareholders' meeting. A decision may be made directly and shall bear the signatures or seals of all the shareholders.

Article 39 The shareholders' meeting shall be convened and presided over by the shareholder who made the largest percentage of capital contributions, and shall exercise its powers in accordance with this Law.

Article 40 The shareholders' meetings shall be classified into regular meetings and interim meetings. The regular meetings shall be timely held in accordance with the articles of association. Where an interim meeting is proposed by the shareholders representing 1/10 of the voting rights or more, or by directors representing 1/3 of the voting rights or more, or by the board of supervisors, or by the supervisors of the company with no board of supervisors, an interim meeting shall be held.

Article 41 Where a limited liability company has set up a board of directors. The shareholders' meetings shall be convened by the board of directors and presided over by the chairman of the board of directors. If the chairman is unable or fails to perform his duties, the meetings thereof shall be presided over by the deputy chairman of the board of directors. If the deputy chairman of the board of directors is unable or fails to perform his duties, the meetings shall be presided over by a director jointly recommended by half or more of the directors.

For a limited liability company with no board of directors, the shareholders' meetings shall be convened and presided over by the acting director.

If the board of directors or the acting director is unable or fails to fulfil the duties of convening the shareholders' meeting, the board of supervisors or the supervisor of the company with no board of supervisors may convene and preside over such meetings. If the board of supervisors or supervisor does not convene or preside over such meetings, the shareholders representing 1 / 10 or more of the voting rights may convene and preside over such meetings on their own initiatives.

Article 42 Each shareholder shall be given a notice 15 days before a shareholders' meeting is held unless it is otherwise specified by the articles of association or it is otherwise stipulated by all the shareholders.

A shareholders' meeting shall make minutes for the decisions about the matters discussed at the meeting. The shareholders who attended the meeting shall affix their signatures to the minutes.

Article 43 The shareholders shall exercise their voting rights at the shareholders' meetings on the basis of their respective percentage of the capital contributions unless it is otherwise prescribed by the articles of association.

Article 44 Unless it is otherwise provided for by this Law, the discussion methods and voting procedures of the shareholders' meeting shall be provided for in the articles of association.

A resolution made at a shareholders' meeting on revising the articles of association, increasing or reducing the registered capital, merger, split-up, dissolution or change of the company form shall be adopted by the shareholders representing 2 / 3 or more of the voting rights.

Article 45 The board of directors established by a limited liability company shall be composed of 3 up to 13 members unless it is otherwise provided for in Article 51 of this Law. If a limited liability company established by 2 or more state-owned enterprises or other state-owned investors, the board directors shall include representatives of the employees of this company. The board directors of any other limited liability company may also include representatives of the employees of the company concerned. The employees' representatives who are to serve as board directors shall be democratically elected by the employees of the company through the general assembly of the representatives of employees, employees' assembly of the company or in any other way. The board of directors shall have one chair and may have one or more deputy chairman. The appointment of the chairman and deputy chair shall be specified in the articles of association.

Article 46 The term of office of the directors shall be provided for by the articles of association, but each term of office shall not exceed 3 years. The directors may, after the expiry of their term of office, hold a consecutive term upon re-election. If no re-election is timely carried out after the expiry of the term of office of the directors, or if the number of the members of the board of directors is less than the quorum due to the resignation of some directors from the board of directors prior to the expiry of their term of office, the original directors shall, before the newly elected directors assume their posts, perform the powers of the directors in accordance with the laws, administrative regulations, as well as the articles of association.

Article 47 The board of directors shall be responsible for the shareholders' meeting and exercise the following functions:

- (1) Convening shareholders' meetings and presenting reports thereto;
- (2) Adopting resolutions made at the shareholders' meetings; (3) Determining the operational plans and investment plans;
- (4) Working out the company's annual financial budget plans and final account plans;
- (5) Working out the company's profit distribution plans and loss recovery plans;
- (6) Working out the company's plans on the increase or reduction of registered capital, as well as on the issuance of corporate bonds;
- (7) Working out the company's plans on merger, split-up, change of the company form, dissolution, etc;
- (8) Making decisions on the establishment of the company's internal management departments;
- (9) Making decisions on hiring or dismissing the company's manager and his remuneration, and, according to the nomination of the manager, deciding on the hiring or dismissal of vice manager(s) and the person in charge of finance as well as their remuneration;
- (10) Working out the company's basic management system; and
- (11) Other functions as specified in the articles of association.

Article 48 A meeting of the board of directors shall be convened and presided over by the chairman of the board of directors. If the chairman of the board of directors is unable or fails to perform his duties, it may be convened or presided over by the deputy chairman of the board of directors. If the deputy chairman of the board of directors is unable or fails to perform his duties, it may be convened or presided over by a director jointly recommended by half or more of the directors.

Article 49 Unless it is otherwise provided for by this Law, the discussion methods and voting procedures of the board of directors shall be specified by the articles of association.

The board of directors shall make minutes of the decisions about the matters discussed at the meetings thereof. The shareholders who attend the meeting shall affix their signatures to the minutes.

In the voting on a resolution of the board of directors, one person shall have one vote.

Article 50 A limited liability company may have a manager, who shall be hired or dismissed upon decision of the board of directors. The manager shall be responsible for the board of directors and shall exercise the following powers:

- (1) Taking charge of the management of the production and business operations of the company, organizing the implementation of the resolutions of the board of directors;
- (2) Organizing the execution of the company's annual operational plans and investment plans;
- (3) Drafting plans on the establishment of the company's internal management departments;
- (4) Drafting the company's basic management system;
- (5) Formulating the company's concrete bylaws;

- (6) Proposing to hire or dismiss the company's vice manager(s) and person in charge of finance; (7) Deciding on the hiring or dismissal of the persons-in-charge other than those who shall be decided by the board of directors; and
- (8) Other powers conferred by the board of directors.

If the articles of association provide otherwise for the powers of managers, the articles of association shall be followed. The manager attends the meetings of the board of directors as a non-voting representative.

Article 51 For a limited liability company with a relatively small number of shareholders or for a relatively small limited liability company, it may have an acting director and no board of directors. The acting director may concurrently hold the post of the company's manager.

The powers of the acting director shall be specified in the articles of association.

Article 52 A limited liability company may set up a board of supervisors, which shall be composed of at least 3 persons. For a limited liability company in which there is a relatively small number of shareholders or which is relatively small in scale, it may have 1 or 2 supervisors and does not have to establish a board of supervisors. The board of supervisors shall include shareholders' representatives and representatives of the employees' of the company at an appropriate ratio to be specifically prescribed in the articles of association. The employees' representatives who are to serve as members of the board of supervisors shall be democratically elected by the employees of the company through the assembly of the employees' representatives, or employees' assembly or by any other means. The board of supervisors shall have one chairman, who shall be elected by half or more of all the supervisors. The chairman of the board of supervisors shall convene and preside over the meetings of the board of supervisors. If the chairman of supervisors is unable to or does not perform his duties, the supervisor recommended by half or more of the supervisors shall convene and preside over the meetings of the board of supervisors.

No director or senior manager may concurrently work as a supervisor.

Article 53 Each term of office of the supervisors shall be 3 years. The supervisors may, after the expiry of their term of office, hold a consecutive term upon re-election. If no re-election is timely carried out after the expiry of the term of office of the supervisors, or if the number of the members of the board of directors is less than the quorum due to the resignation of some directors from the board of supervisors prior to the expiry of their term of office, the original supervisors shall, before the newly elected supervisors assume their posts, exercise the powers of the supervisors in accordance with the laws, administrative regulations, as well as the articles of association.

Article 54 The board of supervisors or supervisor of a company with no board of supervisors may exercise the following powers:

- (1) To check the financial affairs of the company;
- (2) To supervise the duty-related acts of the directors and senior managers, to put forward proposals on the removal of any director or senior manager who violates any law, administrative regulation, the articles of association or any resolution of the shareholders' meeting;

- (3) To demand any director or senior manager to make corrections if his act has injured the interests of the company;
- (4) To propose to call interim shareholders' meetings, to call and preside over shareholders' meetings when the board of directors does not exercise the function of calling and presiding over shareholders' meetings as prescribed in this Law;
- (5) To put forward proposals at shareholders' meetings;
- (6) To initiate actions against directors or senior managers in accordance with Article 152 of this Law; and
- (7) Other duties as provided for by the articles of association.

Article 55 The supervisors may attend the meetings of the board of directors as non-voting attendees, and may raise questions or suggestions about the matters to be decided by the board of directors.

If the supervisors of the board of supervisors or supervisor of the company with no board of directors find(s) that the company is running abnormally, they (he) may make investigations. Where necessary, they (he) may hire an accounting firm to help them (him) with the relevant expenses being born by the company.

Article 56 The board of supervisors shall hold meetings at least once a year. The supervisors may propose to hold interim meetings of the board of supervisors.

The discussion methods and voting procedures of the board of supervisors shall be specified in the articles of association unless it is otherwise provided for in this Law.

A resolution of the board of supervisors shall be adopted by half or more of the supervisors. The board of supervisors shall make minutes for the resolutions about the matter it discusses, which shall be signed by the supervisors in presence.

Article 57 The expenses necessary for the board of supervisors or supervisor of a company with no board of supervisors to perform its duties shall be borne by the company.

Section 3 Special Provisions on One-person Limited Liability Companies

Article 58 The provisions of this Section shall apply to the establishment and organizational setup of a one-person limited liability. For any matter not touched by this Section, it shall be governed by Sections 1 and 2 of this Chapter.

The term "one-person limited liability company" as mentioned in this Law refers to a limited liability company with only one natural person shareholder or legal person shareholder.

~~Article 59 Article 58 The minimum amount of registered capital of a one person limited liability company shall be RMB 100, 000 yuan. The shareholder shall, in a lump sum, pay the capital contributions as specified in the articles of association.~~

One natural person is allowed to establish merely one one-person limited liability company, which shall not establish any further one-person limited liability company.

Article 60 A one limited liability company shall, in the company registration, give a clear indication that it is solely-funded by one natural person or legal person and the same shall be specified in the business license of the company.

Article 61 The articles of association of a one-person limited liability company shall be formulated by the shareholder.

Article 62 A one-person limited liability company has no board of directors. When the shareholder make a decision on any of the matters as listed in Article 38 of this Law, he shall make it in written form, put his signature to it and preserve it in the company.

Article 63 A one-person limited liability company shall make a financial statement by the end of every fiscal year, which shall be subject to audit by an accounting firm.

Article 64 If the shareholder of a one-person limited liability company is unable to prove that the property of the one-person limited liability company is independent from his own property, he shall bear joint liabilities for the debts of the company.

Section 4 Special Provisions on Solely State-owned Companies

Article 65 The provisions of this Chapter shall apply to the establishment and organizational setup of the solely state-owned companies. Any matter not covered by this Chapter shall be governed by the provisions of Sections 1 and 2 of this Chapter.

The term “solely state-owned company” as mentioned in this law refers to a limited liability company established through sole investment by the state, for which the State Council or the local people’s government authorizes the state-owned assets supervision and administration institution of the people’s government at the same level to perform the functions of the capital contributor.

Article 66 The articles of association of a solely state-owned company shall be formulated by the state-owned assets supervision and administration institution, or shall be drafted by the board of directors and then be submitted to the state-owned assets supervision and administration institution for approval.

Article 67 A solely state-owned company has no shareholders’ meeting. The state-owned assets supervision and administration institution shall exercise the functions of the shareholders’ meeting. The state-owned assets supervision and administration institution may authorize the company’s board of directors to exercise some of the functions of the shareholders’ meeting and decide on the important matters of the company, excluding those that must be decided by the state-owned assets supervision and administration, such as merger, split-up, dissolution of the company, increase or

reduction of registered capital as well as the issuance of corporate bonds. For the merger, split-up, dissolution or application for bankruptcy of an important solely state-owned company, it shall, be subject to the examination of the state-owned assets supervision and administration institution, and then be submitted to the people's government at the same level for approval. The term "important solely state-owned company" as mentioned in the preceding paragraph shall be determined according to the provisions of the State Council.

Article 68 A solely state-owned company shall establish a board of directors, which shall exercise its functions in accordance with Articles 47 and 67 of this Law. Each term of office of the directors shall not exceed 3 years. The board of directors shall include representatives of the employees. The members of the board of directors shall be appointed by the state-owned assets supervision and administration institution, but of whom the representatives of the employees shall be elected through the assembly of the representatives of the employees of the company. The board of directors shall have one chairman and may have deputy chairman. The chairman and deputy chairman shall be designated by the state-owned assets supervision and administration institution from the members of the board of directors.

Article 69 A solely state-owned company shall have a manager, who shall be hired or dismissed by the board of directors. The manager shall exercise his powers in accordance with Article 50 of this Law. Upon consent of the state-owned assets supervision and administration institution, the members of the board of directors may concurrently hold the post of manager.

Article 70 None of the chairman, deputy chairman, directors and senior managers of a solely state-owned company may concurrently take up a post in any other limited liability company, joint stock limited company or any other economic organization unless it is so consented by the state-owned assets supervision and administration institution.

Article 71 The board supervisors of a solely state-owned company shall be composed of at least 5 persons, of whom the employees' representatives shall account for no less than 1/3, the concrete percentage shall be specified by the articles of association.

The members of the board of supervisors shall be appointed by the state-owned assets supervision and administration institution, however, of whom the employees' representatives shall be elected through the assembly of representatives of the employees of the company. The chairman of the board of supervisors shall be designated by the state-owned assets supervision and administration institution from the members of the board of supervisors. The board of supervisions shall exercise the functions as mentioned in Article 54 (1) through (3) of this Law and those provided for by the State Council.

Chapter III Transfer of Stock Right of A Limited Liability Company

Article 72 All or some of the stock rights of the shareholders of a limited liability company may be transferred among the shareholders.

Where a shareholder intends to transfer his/its stock rights to any non-shareholder, he/it shall be subject to the consent of more than half of the other shareholders. The shareholder shall give the other shareholders a written notice about the matters related to the transfer of stock rights for their consent. If any of the other shareholders fails to give it a reply within 30 days after it receives a written notice, it shall be deemed to have consented to the transfer. If half or more of the other shareholders disagree to the transfer, the shareholders who disagree to the transfer shall purchase the stock rights to be transferred. If they refuse to purchase these stock rights, they shall be deemed to have consented to the transfer. Under the same conditions, the other shareholders have a preemptive right to purchase the stock rights to be transferred upon their consent. If two or more shareholders claim the preemptive right, they shall determine their respective purchase percentage through negotiation. If they fail to reach an agreement during the negotiation, they shall exercise the preemptive right on the basis of their respective percentage of capital contributions.

Unless it is otherwise provided for the transfer of stock rights in the articles of association, the articles of association shall be followed.

Article 73 When the people's court transfers the stock rights of a shareholder pursuant to the mandatory enforcement procedure as provided in law, it shall notify the company and all the shareholders that the other shareholders have a preemptive right under the same conditions. If any of the other shareholders fails to exercise the preemptive right within 20 days after he/it receives the notice of the court, it shall be deemed to have waived his/its preemptive right.

Article 74 After a company transfers its stock rights in accordance with Articles 72 and 73 of this Law, it shall cancel the capital contribution certificate of the former shareholder, issue a capital contribution certificate to the new shareholder and modify the shareholders and their capital contributions in the articles of association and the register of shareholders. No voting of the shareholders' meeting is needed for the modification of the articles of association due to the said transfer of stock rights.

Article 75 Under any of the following circumstances, a shareholder, who votes against the resolution of the shareholders' meeting, may request the company to purchase its stock rights at a reasonable price:

- (1) The company has not distributed any profit to the shareholders for 5 consecutive years, but it has made profits for five consecutive years and conforms to the profit distribution conditions as prescribed in this Law;
- (2) The merger, split-up, or transfer of the main properties of the company;
- (3) When the business term as specified in the articles of association expires or other reasons for dissolution as prescribed in the articles of association occur, the shareholders' meeting makes the company continue existing by adopting a resolution on modifying the articles of association.

Within 60 days after the resolution is adopted at the shareholders' meeting, if the shareholder and the company fails to reach an agreement on the purchase of stock rights, the shareholder may initiate a lawsuit in the people's court within 90 days after the resolution is adopted at the shareholders' meeting.

Article 76 After death of a natural person shareholder, his lawful inheritor may inherit the shareholder's qualifications unless it is otherwise provided for by the articles of association.

Chapter IV Establishment and Organizational Setup of A Joint Stock Limited Company

Section 1 Establishment

~~Article 77~~ Article 76 The establishment of a joint stock limited company shall satisfy the following conditions:

- (1) The number of promoters meets the quorum requirement;
- ~~(2) The capital stock subscribed to by the promoters and raised by stock floatation reaches the minimum amount of the statutory capital; the amount of capital stock is in accord with the amount of total capital stock subscribed, or raised and paid in, by all promoters as recorded in the articles of association of the company;~~
- (3) The issuance of shares and the preparatory work conform to the provisions of the law;
- (4) The articles of association are formulated by the promoters, and are adopted at the establishment meeting if the company is to be launched by stock floatation;
- (5) The company has a name and its organizational setup complies with that of a joint stock limited company
- (6) The company has a domicile.

Article 78 A joint stock limited company may be established by way of promotion or stock floatation.

The establishment of a company by promotion means that the promoters establish a company by subscribing to all of the shares that should be issued by the company.

The establishment of a company by stock floatation means that the promoters establish a company by subscribing to some of the shares that should be issued by the company and offering the remaining shares to the general public or to particular objects for subscription.

Article 79 To establish a joint stock limited company, there shall not be less than 2 but not more than 200 promoters, of whom half or more shall have a domicile within the territory of China.

Article 80 The promoters of a joint stock limited company shall undertake the preparatory work of the company. They shall conclude a promoters agreement to clarify their respective rights and obligations during the course of establishing the company.

~~Article 81~~ Article 80 Where a joint stock limited company is established by promotion, its registered capital shall be the total capital stock subscribed by all the promoters as registered in the company registration authority. ~~The minimum amount of initial capital contributions to be made by all promoters shall be not less than 20% of the total registered capital, the remaining amount shall be paid off by the promoters within 2 years from the day when the company is established, while for an investment company, the remaining amount may be paid off within 5 years. Before~~

~~the registered capital~~ capital stock subscribed by the promoters is paid off, no stock shall be offered to others for subscription.

Where a joint stock limited company is established by stock floatation, its registered capital shall be the total actually paid capital stock as registered in the company registration authority.

~~The minimum amount of the registered capital of a joint stock limited company shall be RMB 5 million yuan.~~ If any law, or administrative regulation or decision of State Council provides a different requirement of the payment of the registered capital or a relatively higher minimum amount of registered capital, of a joint stock limited company, such provision shall be followed.

Article 82 The articles of association of a joint stock limited company shall specify the following matters:

- (1) The name and address of the company;
- (2) The business scope of the company;
- (3) The form of company establishment;
- (4) Total shares, par value of each share, and the amount of registered capital of the company;
- (5) The name of each promoter, the shares it has subscribed to, as well as the form and date of capital contributions;
- (6) The formation, powers, term of office, and rules of procedure of the board of directors,
- (7) The legal representative of the company;
- (8) The composition, powers, term of office, and rules of procedure of the board of directors;
- (9) The composition, powers, term of office, and rules of procedure of the supervisory board;
- (10) The method for profit distribution of the company;
- (11) The reasons for dissolution of the company and liquidation methods;
- (12) The methods for issuing notices or public announcements of the company; and
- (13) Other matters deemed necessary by the meetings of shareholders' assembly.

Article 83 The form of capital contributions of promoters shall be governed by the provisions in Article 27 of this Law.

~~Article 84~~ Article 83 When establishing a joint stock company limited by promotion, the promoters shall subscribe, in writing, to the full amount of shares provided for in the articles of association. ~~In the case of paying the capital contributions at one time, the promoters shall make the payment in a lump sum; in the case of paying the capital contributions by installments, the promoters shall make the down payment immediately., and shall pay their capital contributions according to the provisions of the articles of association of the company.~~ In the case of making capital contributions in non-monetary properties, the promoters shall go through the procedures for the transfer of property rights in pursuance of the law.

If any of the promoters fails to make capital contributions by following the provisions of the preceding paragraph, it shall bear the liabilities for breach of contract under the stipulations in the promoters agreement.

After the promoters have ~~made their down payment~~ fully paid in their capital contributions, the board of directors and board of supervisors shall be elected. The board of directors shall file a registration application with the company registration authority and submit thereto the articles of association, ~~the capital verification certification as issued by a lawfully established~~

~~capital verification institution~~, as well as other documents as provided for by the laws and administrative regulations.

Article 85 For a joint stock limited company established by stock flotation, the shares subscribed to by the promoters shall not be less than 35 % of the total shares. However, if it is otherwise provided for by any law or administrative regulation, such law or administrative regulation shall prevail.

Article 86 For the public offer shares, the promoters shall publish a prospectus and prepare share subscription forms. The share subscription form shall contain the items listed in Article 87, and a subscriber shall fill in the number and amount of shares he subscribes to, and his domicile, and shall affix his signature or seal thereto. A subscriber shall pay the shares according to the number of shares he has subscribed to.

Article 87 The prospectus shall be accompanied by the articles of association formulated by the promoters and shall state the following:

- (1)The number of shares subscribed to by the promoters;
- (2)The par value and issuing price of each share;
- (3)The total number of unregistered stocks issued;
- (4)The purposes of the fund raised;
- (5)The rights and obligations of the subscribers; and
- (6)The beginning and ending dates for the public offer and a statement that the subscribers may revoke their subscriptions if the offer is under-subscribed at the close of the offer.

Article 88 The public offer shares shall be underwritten by a lawfully established securities company and an underwriting agreement shall be concluded.

Article 89 For the public offer shares, the promoters shall sign an agreement with the receiving bank.

The receiving bank shall receive and hold as agent the payments for shares according to the agreement, produce receipts to subscribers who have made the payments, and shall be obliged to produce evidence of receipt of payments to the relevant departments.

Article 90 After full payments have been made for the public offer shares, they shall be verified by a lawfully established capital verification institution and a certification shall be issued thereby. The promoters shall hold a company establishment meeting within 30 days, which shall be composed of the subscribers. If the public offer shares are not fully subscribed to at the expiration of the time limit prescribed in the prospectus, or if the promoters fail to hold an establishment meeting within 30 days after full payment for the public offer shares is made, the subscribers may demand the promoters to make repayments for the public offer shares plus an interest calculated at

the bank deposit interest rate for the same period.

Article 91 The promoters shall notify each subscriber of the date of the establishment meeting or make a public announcement about the meeting 15 days in advance. The establishment meeting may not be held unless subscribers representing at least half of the shares appear. The establishment meeting shall exercise the following powers:

- (1) Deliberating the report on the pre-establishment activities prepared by the sponsors;
- (2) Adopting the articles of association;
- (3) Electing members of the board of directors;
- (4) Electing members of the board of supervisors;
- (5) Verifying expenses incurred for the establishment of the company;
- (6) Verifying the value of the assets contributed by the promoters in lieu of pecuniary payment for the shares;
- (7) Where any force majeure or any material change in the operational conditions that may affect the company's establishment occurs, a resolution not to establish the company may be adopted.

A resolution adopted at the establishment meeting on any of the matters as mentioned in the previous paragraph requires affirmative votes by subscribers representing more than half of the votes of those attending the meeting.

Article 92 The promoters and subscribers shall not withdraw their share capital after making payments for the shares they have subscribed to or after making capital contributions by using non-monetary properties, unless the public offer shares have not been fully subscribed within the time limit, the promoters fail to convene the establishment meeting within the time limit, or the establishment meeting has decided not to set up the company.

Article 93 The board of directors shall, within 30 days after the establishment meeting ends, file a registration application with the company registration authority and submit thereto the following documents:

- (1) A company registration application;
- (2) The minutes of the establishment meeting;
- (3) The articles of association;
- (4) A capital verification certification;
- (5) The appointment documents and identity certificates of the legal representative, directors, supervisors;
- (6) The certifications for the legal person or natural person status of the promoters; and
- (7) The certification for the domicile of the company.

For a joint stock limited company established by stock floatation that makes public stock offerings, besides the aforementioned documents, it shall submit to the company registration authority the approval documents issued by the securities regulatory institution of the State Council.

Article 94 After the establishment of a joint stock limited company, if any of the promoters fails to make full payments for the capital contributions as stipulated in the articles of association, it shall make up the arrears and the other promoters shall bear several and joint liabilities.

After the establishment of a joint stock limited company, if it is found that the actual value of the non-monetary properties used as capital contributions for the establishment of the company is obviously lower than that as stipulated in the articles of association, the promoter who made the capital contribution shall make up the difference and the other promoters shall bear several and joint liabilities.

Article 95 The promoters of a joint stock limited company shall bear the following liabilities:

- (1) In the event of failure to establish the company, being jointly and severally liable for the debts and expenses incurred from the pre-establishment activities;
- (2) In the event of failure to establish the company, being liable for refunding the paid-in capital as well as the interests thereof calculated at the bank interest rate for the same period; and
- (3) If the company's interest is injured in the course of its establishment due to the negligence of the promoters, being liable for making compensations to the company.

Article 96 Where a limited liability company is changed into a joint stock limited company, the total amount of the paid-in capital shall not be less than the total amount of the net assets. Where a limited liability company is changed into a joint stock limited company, the public offer stocks issued for the purpose of increasing the capital shall comply with the law.

Article 97 A joint stock limited company shall prepare and keep in the company the articles of association, register of the shareholders, stub of corporate bonds, minutes of the shareholders' assembly meetings, minutes of the meetings of the board of directors, minutes of the meetings of the board of supervisors, and financial reports.

Article 98 The shareholders shall be entitled to consult the articles of association, register of the shareholders, stub of corporate bonds, minutes of the shareholders' assembly meetings, minutes of the meetings of the board of directors, minutes of the meetings of the board of supervisors, and financial reports, and may put forward proposals or raise questions about the business operations of the company.

Section 2 Shareholders' Assembly

Article 99 The shareholders' assembly of a joint stock limited company shall be composed of all the shareholders. It is the company's organ of power, which shall exercise its powers in accordance with the law.

Article 100 The provisions regarding the powers of the shareholders' assembly of a limited liability company as prescribed in the first paragraph of Article 38 of this law shall apply to the shareholders' assembly of a joint stock limited company.

Article 101 An annual session of the shareholders' assembly shall be held each year. Under any of the following circumstances, an interim shareholders' assembly session shall be held within 2 months:

- (1)The number of directors is less than two-thirds of the number of directors as required by this law or the number of directors as specified in the articles of association;
- (2)The un-recovered losses of the company reach one-third of the total paid-in capital;
- (3)At the request of the shareholders separately or aggregately holding 10% or more of the company's shares;
- (4)The board of directors deems it necessary;
- (5)At the request of the board of supervisors; and
- (6)Other circumstances as specified in the articles of association.

Article 102 A session of the shareholders' assembly shall be convened by the board of directors and shall be presided over by the chairman of the board of directors. If the chairman is unable or fails to perform his duties, the meetings thereof shall be presided over by the deputy chairman of the board of directors. If the deputy chairman of the board of directors is unable or fails to perform his duties, the meetings shall be presided over by a director jointly recommended by half or more of the directors.

If the board of directors or the acting director is unable or fails to fulfil the obligation of convening the meetings of the shareholders' assembly, the board of supervisors shall convene and preside over such meetings. If the board of supervisors does not convene or preside over such meetings, the shareholders separately or aggregately holding 1/10 or more of the shares may convene and preside over such meetings on their own initiative.

Article 103 For a shareholders' assembly meeting to be held, a notice shall be given to each shareholder 20 days in advance, which shall state the time and place of the meeting, and the matters to be deliberated at the meeting. For an interim meeting of the shareholders' assembly, a notice shall be given to each shareholder 15 days in advance. For the issue of unregistered stocks, the time and place of the meeting and the matters to be deliberated at the meeting shall be announced 30 days in advance.

The shareholders separately or aggregately holding 3% or more of the shares of the company may put forward a written interim proposal to the board of directors 10 days before a shareholders' assembly is held. The board of directors may notify other shareholders within 2 days and submit the interim proposal to the meeting of the shareholders' assembly for deliberation. The contents of an interim proposal shall fall within the scope to be decided by the shareholders' assembly, and the interim proposal shall have a clear topic for discussion and matters to be decided.

The shareholders' assembly shall not make any decision on any matter not listed in the notice as mentioned in the preceding two paragraphs. If the holders of unregistered stocks attend the shareholders' assembly, they shall have their stocks preserved in the company during the period from 5 days before the meeting is held to the day when the shareholders' assembly is closed.

Article 104 When a shareholder attends a meeting of the shareholders' assembly, he shall have one voting right for each share he holds. However, the company has no voting right for its own shares it holds. When any resolution is to be made by the shareholders' assembly, it shall be adopted by shareholders representing more than half of the voting rights of the shareholders in presence.

However, when the shareholders' assembly makes a decision to modify the articles of association, or to increase or reduce the registered capital, or a resolution about the merger, split-up, dissolution or change of the company form, resolution shall be adopted by shareholders representing 2/3 or more of the voting rights of the shareholders in presence.

Article 105 For the important matters such as company transfer, being assignee of any important asset or providing guaranty for any other person, which shall be decided through the shareholders' assembly under this Law and the articles of association, the board of directors shall timely call a shareholders' assembly for voting.

Article 106 When the shareholders' assembly elects directors or supervisors, it may, under the articles of association or resolution of the shareholders' assembly, adopt a cumulative voting system. The term "cumulative voting system" as mentioned in this Law refers to a system of voting by shareholders for the election of directors or supervisors at a meeting of the shareholders' assembly in which the shareholder can multiply his voting rights by the number of candidates and vote them all for one candidate for director or supervisor.

Article 107 A shareholder may entrust an agent to attend a shareholders' assembly. The agent shall present a proxy issued by the shareholder to the company and shall exercise his voting rights within the authorization scope.

Article 108 The shareholders' assembly shall prepare minutes regarding the decisions about the matters discussed by it. The chair of the meeting and the directors in presence shall affix their signatures to the minutes, which shall be preserved together with the book of signatures of the shareholders in presence as well as the power of attorney thereof.

Section 3 Board of Directors and Manager

Article 109 A joint stock limited company shall set up a board of directors, which shall be composed of 5-19 persons.

The board of directors may include representatives of the company's employees. The representatives of the employees who serve as board directors shall be democratically elected through the assembly of the representatives of the employees, assembly of employees or otherwise.

The provisions in Article 46 of this Law on the term of office of the directors of a limited liability company shall apply to the director of a joint stock limited company.

The provisions in Article 47 of this Law on the functions of the board of directors of a limited liability company shall apply to the board of directors of a joint stock limited company.

Article 110 The board of directors shall have one chairman and may have a deputy chairman. The chairman and deputy chairmen shall be elected by more than half of all the directors.

The chairman of the board of directors shall call and preside over the meetings of the board of directors and check the implementation of the resolutions of the board of directors. The deputy chairman shall assist the chairman to work. If the chairman is unable or fails to perform his duties, the deputy chairman shall perform such duties. If the deputy chairman of the board of directors is unable or fails to perform his duties, a director who is jointly recommended by half or more of the directors shall perform such duties.

Article 111 The board of directors shall convene at least two meetings every year and shall give a notice to all directors and supervisors 10 days before it holds a meeting. The shareholders representing 1/10 or more of the voting rights, or 1/3 of the directors, or the board of supervisors may put forward a proposal on holding an interim meeting of the board of directors. The chairman of the board of directors shall, within 10 days after he receives such a proposal, call and preside over a meeting of the board of directors. If the board of directors holds an interim meeting, it may separately decide the method and time limit for the notification about convening meetings of the board of directors.

Article 112 No meeting of the board of directors may be held unless more than half of the directors are present. When the board of directors makes a resolution, it shall be adopted by more than half of all the directors.

For the voting on a resolution of the board of directors, a director shall have one vote only.

Article 113 The meetings of the board of directors shall be attended by the directors in person. Where any director is unable to attend the meeting for a certain reason, he may, by issuing a written proxy, entrust another director to attend the meeting on his behalf, and the proxy shall state the scope of authorization.

The board of directors shall prepare minutes regarding the resolutions on the matters discussed at the meeting, which shall be signed by the directors in presence. The directors shall be responsible for the resolutions of the board of directors. Where a resolution of the board of directors is in violation of any law, administrative regulation, articles of association, or resolution of the shareholders' assembly and causes any serious loss to the company, the directors who participate in adopting the resolution shall make compensation. However, if a director is proven to have expressed his objection to the vote on such resolution and his objection was recorded in the minutes, then the director may be exempted from liability.

Article 114 A joint stock limited company may have a manager, who shall be hired or dismissed by the board of directors.

The provisions of Article 50 of this Law on the powers of the manager of a limited liability company shall apply to the manager of a joint stock limited company.

Article 115 The board of directors of a company may decide to appoint a member of the board of directors to concurrently take up the post of the manager.

Article 116 No company may, directly or via its subsidiary, lend money to any of its directors,

supervisors or senior managers.

Article 117 A Company shall regularly disclose to its shareholders the information about remunerations obtained by the directors, supervisors and senior managers from the company.

Section 4 Board of Supervisors

Article 118 A joint stock limited company shall set up a board of supervisors, which shall be composed of at least 3 persons.

The board of supervisors shall include representatives of shareholders and an appropriate percentage of representatives of the company's employees. The percentage of the representatives of employees shall account for no less than 1/3 of all the supervisors, but the concrete percentage shall be specified in the articles of association. The representatives of employees who serve as members of the board of supervisors shall be democratically elected through the assembly of representatives of the company's employees, shareholders' assembly or by other means. The board of supervisors shall have one chairman and may have a deputy chairman. The chairman and deputy chairman shall be elected by more than half of all the supervisors. The chairman of the board of supervisors shall call and preside over the meetings of the board of supervisors. If the chairman of the board of supervisors is unable or fails to perform his duties, the deputy chairman of the board of supervisors shall call and preside over the meeting of the board of supervisors. If the deputy chairman of the board of supervisors is unable or fails to perform the duties, a supervisor jointly recommended by half or more of the supervisors shall call and preside over the meetings of the board of supervisors.

No director or senior manager may concurrently act as a supervisor.

The provisions of Article 53 of this Law on the term of office of the supervisors of a limited liability company shall apply to the supervisors of a joint stock limited company.

Article 119 The provisions of Articles 54 and 55 of this Law on the functions of a limited liability company shall apply to the board of supervisors of a joint stock limited company/

The expenses necessary for the board of supervisors to exercise its functions shall be borne by the company.

Article 120 The board of supervisors shall hold at least one meeting every 6 months. The supervisors may propose to call interim meetings of the board of supervisors.

The discussion methods and voting procedures of the board of supervisors shall be specified in the articles of association unless it is otherwise provided for by this Law.

The board of supervisors shall prepare minutes for the decisions about the matters discussed at the meeting, which shall be signed by the supervisors in presence.

Section 5 Special Provisions on the Organizational Setup of A Listed Company

Article 121 The term “listed company” as mentioned in this Law refers to the joint stock limited companies whose stocks are listed and traded in a stock exchange.

Article 122 Where a listed company purchases or sells any important asset, or provides a guaranty of which the amount exceeds 30% of its total assets, a resolution shall be made by the shareholders’ assembly and shall be adopted by shareholders representing 2/3 of the voting rights of the shareholders in presence.

Article 123 A listed company shall have independent directors. The concrete measures shall be formulated by the State Council.

Article 124 A listed company may have a secretary of the board of directors, who shall be responsible for the preparation of the sessions of shareholders’ assembly and meetings of the board of directors, preservation of documents, management of the company’s stock rights, information disclosure, etc.

Article 125 Where any of the directors has any relationship with the enterprise involved in the matter to be decided at the meeting of the board of directors, he shall not vote on this resolution, nor may he vote on behalf of any other person. The meeting of the board of directors shall not be held unless more than half of the unrelated directors are present at the meeting. A resolution of the board of directors shall be adopted by more than half of the unrelated directors. If the number of unrelated directors in presence is less than 3 persons, the matter shall be submitted to the shareholders’ assembly of the listed company for deliberation.

Chapter V Issuance and Transfer of Shares of A Joint Stock Limited Company

Section 1 Issuance of Shares

Article 126 The capital of a joint stock limited company shall be divided into shares, and all the shares shall be of equal value.

The shares of the company are represented by stocks. A stock is a certificate issued by the company to certify the share held by a shareholder.

Article 127 The issuance of shares shall comply with the principle of fairness and impartiality. The shares of the same class shall have the same rights and benefits. The stocks issued at the same time shall be equal in price and shall be subject to the same conditions. The price of each share purchased by any organization or individual shall be the same.

Article 128 The stocks may be issued at a price equal to or in excess of par value, but not below par value.

Article 129 The stocks shall be in paper form or in other forms prescribed by the securities regulatory institution of the State Council.

A stock shall state the following major items:

- (1)The company name;
- (2)The company's date of establishment;
- (3)The class and par value of the stock, as well as the number of shares it represents; and
- (4)The serial number of the stock.

The stock shall bear the signature of the legal representative and the seal of the company. The

stocks held by the promoters shall be marked with the words "promoters' stocks". Article 130

The stocks issued by a company may be registered stocks or unregistered stocks.

The stocks issued to promoters or legal persons shall be registered stocks, which shall state the names of such promoters or legal persons, and shall not be registered in any other person's name or the names of any representative.

Article 131 A company that issues registered stocks shall prepare a register of shareholders, which shall state the following:

- (1)The name and domicile of each shareholder;
- (2)The number of shares held by each shareholder;
- (3)The serial numbers of the stocks held by each shareholder; and
- (4)The date on which each shareholder acquired his shares.

A company issuing unregistered stocks shall record the amount, serial numbers and issuance date of the stocks.

Article 133 After a joint stock limited company is established, it shall formally deliver the stocks to the shareholders. No company may deliver any stock to the shareholders prior to its establishment.

Article 134 Where a company intends to issue new stocks, it shall, under its articles of association, make a resolution about the following matters through the shareholders' assembly or board of directors:

- (1)The class and amount of new stocks;
- (2)The issuing price of the new stocks;
- (3)The beginning and ending dates for the issuance of new stocks; and
- (4)The class and amount of the new stocks to be issued to the original shareholders.

Article 135 When a company publicly issues new stocks upon approval of the securities regulatory institution, it shall publish a new stock prospectus and its financial reports, and shall make a stock subscription form.

The provisions of Articles 88 and 89 of this Law shall apply to the public offering of new stocks of a company.

Article 136 When a company issues new stocks, it may make a pricing plan according to its business operations and financial status.

Article 137 After a company raises enough capital, it shall go through modification registration in the company registration authority and make an public announcement.

Section 2 Transfer of Shares

Article 138 The shares held by the stockholders may be transferred in accordance with the law.

Article 139 Where a stockholder intends to transfer its shares, it shall transfer its shares in a lawfully established stock exchange or by any other means as prescribed by the State Council.

Article 140 The transfer of a registered stock shall be effected by the stockholder's endorsement or by any other means prescribed by the relevant laws or administrative regulations. After the transfer, the company shall record the name and domicile of the transferee in the register of shareholders. Within 20 days before an assembly of shareholders is held, or within 5 days prior to the benchmark date decided by the company for the distribution of dividends, no modification registration may be made to the register of shareholders as mentioned in the preceding paragraph. However, if any law provides otherwise for the modification registration of the register of shareholders of listed companies, the latter shall prevail.

Article 141 The transfer of an unregistered stock takes effect as soon as the stockholder delivers the stock to the transferee.

Article 142 The shares of a company held by the promoters of this company shall not be transferred within 1 year after the date of the establishment of the company. The shares issued before the company publicly issues shares shall not be transferred within 1 year from the day when the stocks of the company get listed and are traded in a stock exchange.

The directors, supervisors and senior managers of the company shall declare to the company the shares held by them and the changes thereof. During the term of office, the shares transferred by any of them each year shall not exceed 25% of the total shares of the company he holds. The shares of the company held by the aforesaid persons shall not be transferred within 1 year from the day when the stocks of the company get listed and are traded in a stock exchange. After any of the aforesaid persons is removed from his post, he shall not transfer the shares of the company he holds. The articles of association may have other restrictions on the transfer of shares held by the directors, supervisors and senior managers.

Article 143 A company shall not purchase its own shares, however, except for any of the following circumstances:

- (1) To decrease the registered capital of the company;
- (2) To merge another company holding shares of this company;
- (3) To award the employees of this company with shares; or
- (4) It is requested by any shareholder to purchase his shares because this shareholder raises any objection to the company's resolution on merger or split-up made at any session of the assembly of shareholders.

Where a company needs to purchase its own shares for any of the reasons as mentioned in Items (1) through (3) of the preceding paragraph, it shall be subject to a resolution of the shareholders' assembly. After the company purchases its own shares pursuant to the provisions of the preceding paragraph, it shall, under the circumstance as mentioned in Item (1), write them off within 10 days after the purchase; while under either circumstance as mentioned in Item (2) or (4), transfer them or write them off within 6 months.

The shares purchased by the company in accordance with Item (3) of the preceding paragraph shall not exceed 5% of the total shares already issued by this company. The fund used for the share acquisition shall be paid from the after-tax profits of the company. The shares purchased by the company shall be transferred to the employees within 1 year.

No company may accept any subject matter taking the stocks of this company as a pledge.

Article 144 Where any registered stocks are stolen, lost or destroyed, the shareholder may request the people's court to declare these stocks invalid in accordance with the public notice procedure prescribed in the Civil Procedural Law of the People's Republic of China. After the people's court has invalidated these stocks, the shareholder may file an application to the company for the issuance of new stocks.

Article 145 The stocks of a listed company shall get listed and traded in accordance with the relevant laws, administrative regulations, as well as the dealing rules of the stock exchange.

Article 146 A listed company shall, in pursuance of the laws and administrative regulations, publicize its financial status, business operations and important lawsuits, and shall publish its financial reports once every six months in each fiscal year.

Chapter VI Qualifications and Obligations of the Directors, Supervisors and Senior Management of A Company

Article 147 Anyone who is under any of the following circumstances shall not assume the post of a director, supervisor or senior manager of a company:

- (1) Being without civil capacity or with only limited civil capacity;
- (2) Having been sentenced to any criminal penalty due to an offence of corruption, bribery, encroachment of property, misappropriation of property or disrupting the economic order of the socialist market and 5 years have not elapsed since the completion date of the execution of the penalty; or he has ever been deprived of his political rights due to any crime and 3 years have not

elapsed since the completion date of the execution of the penalty;

(3)He was a former director, factory director or manager of a company or enterprise which was bankrupt and liquidated, whereby he was personally liable for the bankruptcy of such company or enterprise, and three years have not elapsed since the date of completion of the bankruptcy and liquidation of the company or enterprise;

(4)He was the legal representative of a company or enterprise, but the business license of this company or enterprise was revoked and this company or enterprise was ordered to close due to a violation of the law, whereby he is personally liable for the revocation, and three years have not elapsed since the date of the revocation of the business license thereof;

(5)He has a relatively large amount of debt which is due but uncleared.

Where a company elects or appoints any director or supervisor, or hires any senior manager by violating the provisions in the preceding paragraph, the election, appointment or hiring shall be invalidated. Where any director, supervisor or senior manager, during his term of office, is under any of the circumstances as mentioned in the preceding paragraph, the company shall remove him from his post.

Article 148 The directors, supervisors and senior managers shall comply with the laws, administrative regulations, and articles of association. They shall bear the obligations of fidelity and diligence to the company.

No director, supervisor or senior manager may take any bribe or other illegal gains by taking the advantage of his powers, or encroach on the property of the company.

Article 149 No director or senior manager may commit any of the following acts:

(1)Misappropriating the company's fund;

(2)Depositing the company's fund into an account in his own name or in any other individual's name;

(3)Without consent of the shareholders' meeting, shareholders' assembly or board of directors, loaning the company's fund to others or providing any guaranty to any other person by using the company's property as in violation of the articles of association;

(4)Signing a contract or dealing with this company by violating the articles of association or without consent of the shareholders' meeting or shareholders' assembly;

(5)Without consent of the shareholders' meeting or shareholders' assembly, seeking business opportunities for himself or any other person by taking advantages of his powers, or operating for himself or for any other person any like business of the company he works for;

(6)Taking commissions on the transactions between others and this company into his own pocket;

(7)Illegally disclosing the company's secrets;

(8)Other acts inconsistent with the obligation of fidelity to the company. The income of any director or senior manager from any act in violation of the preceding paragraph shall belong to the company.

Article 150 Where any director, supervisor or senior manager violates any law, administrative regulation, or the articles of association during the course of performing his duties, if any loss is

caused to the company, he shall be liable for compensation.

Article 151 If the shareholder's meeting or shareholders' assembly demands a director, supervisor or senior manager to attend the meeting as a non-voting representative, he shall do so and shall answer the shareholders' inquiries.

The directors and senior managers shall faithfully offer relevant information and materials to the board of supervisors or the supervisor of the limited liability company with no board of supervisors, none of them may impede the board of supervisors or supervisor from exercising its (his) powers.

Article 152 Where a director or senior manager is under the circumstance as mentioned in Article 150 of this Law, the shareholder(s) of the limited liability company or joint stock limited company separately or aggregately holding 1% or more of the total shares of the company may request in writing the board of supervisors or the supervisor of the limited liability company with no board of supervisors to initiate a lawsuit in the people's court. If the supervisor is under the circumstance as mentioned in Article 150 of this Law, the aforesaid shareholder(s) may request in writing the board of directors or the acting director of the limited liability company with no board of directors to lodge an action in the people's court.

If the board of supervisors, or supervisor of a limited liability company with no board of supervisors, or board of directors or acting director refuses to lodge a lawsuit after it (he) receives a written request as mentioned in the preceding paragraph, or if it or he fails to initiate a lawsuit within 30 days after it receives the request, or if, in an emergency, the failure to lodge an action immediately will cause unrecoverable damages to the interests of the company, the shareholder(s) as listed in the preceding paragraph may, on their own behalf, directly lodge a lawsuit in the people's court.

If the legitimate rights and interests of a company are impaired and any losses are caused to the company, the shareholders as mentioned in the preceding paragraph may initiate a lawsuit in the people's court according to the provisions of the preceding two paragraphs.

Article 153 If any director or senior manager damages the shareholders' interests by violating any law, administrative regulation, or the articles of association, the shareholders may lodge a lawsuit in the people's court.

Chapter VII Corporate Bonds

Article 154 The term "corporate bonds" as mentioned in this Law refers to the negotiable instruments that are issued by a company under the statutory procedures with guaranteed payment of the principal plus interest by a specified future date. To issue corporate bonds, a company shall satisfy the issuance requirements of the Securities Law of the People's Republic of China.

Article 155 After an application for issuing corporate bonds has been approved by the department

authorized by the State Council, the company shall publish its bond issuance plan, which shall mainly state:

- (1)the company's name;
- (2)the purposes of use of the corporate bonds;
- (3)the total amount of corporate bonds and par value thereof;
- (4)the method for determining the interest rate of the bonds;
- (5)the time limit and method for paying the principal plus interest;
- (6)guaranty of the bonds;
- (7)issuing price of the bonds, beginning and ending dates of the issuance;
- (8)net assets of the company;
- (9)total amount of corporate bonds having been issued but not yet due; and
- (10)underwriters of the corporate bonds.

Article 156 The physical bonds issued by a company shall state the company's name, par value, interest rate, time limit for repayment, etc., and shall bear the signature of legal representative and seal of the company.

Article 157 The corporate bonds may be registered or unregistered bonds.

Article 158 A company shall prepare keep the stubs of corporate bonds.

If the company issues registered corporate bonds, the stubs thereof shall state:

- (1)the name and domicile of the bondholders;
- (2)the dates on which the bondholder acquires the bonds and the serial number of the bonds;
- (3)the total amount of the bonds, par value, interest rate, time limit and method for repayment of principal plus interest; and
- (4)the date on which the bonds are issued.

If the company issues unregistered corporate bonds, the stubs thereof shall state the total amount of the bonds, interest rate, time limit and method for repayment, issuance date and serial numbers of the bonds.

Article 159 The registration and settlement institution of registered corporate bonds shall establish bylaws on the registration, preservation, interest payment and acceptance of bonds.

Article 160 The corporate bonds may be transferred. The transfer price shall be negotiated between the transferor and transferee.

The transfer of any corporate bonds, which get listed and are traded in a stock exchange, shall follow the dealing rules of the stock exchange.

Article 161 The transfer of registered corporate bonds shall be effected by the bond holder's endorsement or by other methods prescribed by the relevant laws and administrative regulations. In the case of transfer of registered bonds, the company shall record the transferee's name and domicile in the stub of corporate bonds.

The transfer of unregistered corporate bonds takes effect as soon as the bondholder delivers the bonds to the transferee.

Article 162 A listed company may, upon a resolution of the shareholders' assembly, issue corporate bonds that may be converted into stocks and shall work out concrete conversion measures in the corporate bond issuance plan. To issue corporate bonds that may be converted into stocks, a listed company shall file an application with the securities regulatory institution for examination and approval. The corporate bonds that may be converted into stocks shall be marked with the words "convertible corporate bonds" and the number of convertible company bonds shall be specified in the company's record of bondholders.

Article 163 Where any convertible company bonds are issued, the company shall exchange its stocks for the bonds held by the bondholders in the prescribed method of conversion, provided that the bondholders have the option on whether or not to convert their bonds.

Chapter VIII Financial Affairs and Accounting of A Company

Article 164 A company shall establish its own financial and accounting bylaws in accordance with the laws, administrative regulations, and provisions of the treasury department of the State Council.

Article 165 A company shall, after the end of each fiscal year, formulate a financial report and shall have it audited by an accounting firm. The financial report shall be work out in accordance with the laws, administrative regulations, and provisions of the treasury department of the State Council.

Article 166 A limited liability company shall submit the financial report to each shareholder within the time limit as prescribed in the articles of association. The financial report of a joint stock limited company shall be ready for the consultation of the shareholders at the company 20 days before the annual meeting of the shareholders' assembly is held. A joint stock limited company of public offer stocks shall make a public announcement about its financial report.

Article 167 Where a company distributes its after-tax profits of the current year, it shall draw 10 percent of the profits as the company's statutory common reserve. It may stop drawing if the aggregate balance of the common reserve has already accounted for over 50 percent of the company's registered capital.

If the aggregate balance of the company's statutory common reserve is not enough to make up for the losses of the company of the previous year, the current year's profits shall first be used for making up the losses before the statutory common reserve is drawn therefrom according to the provisions of the preceding paragraph.

After the company has drawn statutory common reserve from the after-tax profits, it may, upon a resolution made by the shareholders' assembly, draw a discretionary common reserve from the after-tax profits. After the losses have been made up and common reserves have been drawn, the

remaining profits shall be distributed to shareholders according to Article 35 of this Law in the case of a limited liability company and according to the number of shares held by shareholders as in the case of a joint stock company limited.

If the shareholders' meeting, shareholders' assembly or board of directors distributes the profits by violating the provisions of the preceding paragraph before the losses are made up and the statutory common reserves are drawn, the profits distributed must be refunded to the company. No profit may be distributed for the company's shares held by this company.

Article 168 The premium of a joint stock limited company from the issuance of stocks at a price above the par value of the stocks, and other incomes listed in the capital reserve under provisions of the treasury department of the State Council shall be listed as the company's capital reserve.

Article 169 The company's capital reserves shall be used for making up losses, expanding the production and business scale or increasing the registered capital of the company, but the capital reserve shall not be used for making up the company's losses.

When the statutory common reserve is changed to capital, the remainder of the common reserve shall not be less than 25 % of the registered capital prior to the increase.

Article 170 Where a company plans to hire or dismiss any accountant's firm to undertake the auditing of the company, a resolution shall be made by the shareholders' meeting or shareholders' assembly or the board of directors according to the provisions of the articles of association.

Where the shareholders' meeting or shareholders' assembly or the board of directors carries out a voting of the dismissal of any accountant's firm, it shall allow the accountant's firm to state its own opinions.

Article 171 A company shall provide to the accountant's firm it hires truthful and complete accounting vouchers, account books, financial and accounting statements, and other accounting materials, and may not refuse to do so or conceal any of them or make any false statements.

Article 172 Except for the statutory account books, no company may set up other account books.

No company asset may be deposited into any individual's account.

Chapter IX Merger and Split-up of Company; Increase and Deduction of Registered Capital

Article 173 A company merger may be effected by way of merger or consolidation.

In the case of merger, a company absorbs any other company and the absorbed company is dissolved; in the case of consolidation, two or more companies combine together for the establishment of a new one, and the existing ones are dissolved.

Article 174 To carry out a corporate merger, both parties to the merger shall conclude an agreement with each other and formulate balance sheets and checklists of properties. The

companies involved shall, within ten days as of making the decision of merger, notify the creditors, and shall make a public announcement on a newspaper within 30 days. The creditors may, within 30 days as of receipt of the notice or within 45 days as of the issuance of the public announcement if it fails to receive a notice, demand the company to clear off its debts or to provide corresponding guaranties.

Article 175 To carry out a merger, the credits and debts of the companies involved shall be succeeded by the company that survives the merger or by the newly established company.

Article 176 To split a company, the properties thereof shall be divided accordingly. To split the company, balance sheets and checklists of properties shall be worked out. The company shall, within 10 days as of the day when the decision of split-up is made, inform the creditors and shall make a public announcement on a newspaper within 30 days.

Article 177 The post-split companies shall bear several and joint liabilities for the debts of a company before it is split up, unless it is otherwise prescribed by the company and the creditors before the split-up with regard to the clearing of debts in written agreement.

Article 178 Article 177 Where a company finds it necessary to reduce its registered capital, it must work out balance sheets and checklists of properties.

The company shall, within ten days as of the day when the decision of reducing registered capital, notify the creditors and make a public announcement in a newspaper within 30 days. The creditors shall, within 30 days as of receipt of a notice or within 45 days as of the issuance of the public announcement if it fails to receive a notice, be entitled to demand the company to clear off its debts or to provide corresponding guaranties.

~~The registered capital of the company after reducing its registered capital is reduced shall not be any lower than the bottom line requirement as prescribed by law.~~

Article 179 Where a limited liability company increases its registered capital, the capital contributions of the shareholders for the increased amount shall be governed by the relevant provisions of the present Law regarding the capital contribution for the establishment of a limited liability company.

Where a joint stock limited company issues new stocks for increasing its registered capital, the subscription to new stocks by shareholders shall be governed by the relevant provisions of the present Law regarding the payment of stock money for the establishment of a joint stock limited company.

Article 180 Where, in the process of merger or split-up of a company, any of the registered items is changed, the company shall go through modification registration with the company registration authority. If it is dissolved, it shall be deregistered according to law. If any new company is established, it shall go through the procedures for company establishment according to law.

In the case of increasing or reducing its registered capital, a company shall go through modification registration with the company registration authority according to law.

Chapter X Dissolution and Liquidation of Company

Article 181 A company may be dissolved where:

- (1) the term of business operation as prescribed by the articles of association expires or any of the matters for dissolution as prescribed in the articles of association of the company appears;
- (2) the shareholders' meeting or the shareholders' assembly decides to dissolve it;
- (3) it is necessary to be dissolved due to merger or split-up of the company;
- (4) its business license is cancelled or it is ordered to close down or to be dissolved according to law; or
- (5) it is decided by the people's court to be dissolved according to Article 183 of this Law.

Article 182 Where any of the circumstances as prescribed in Article 181 (1) of this Law occurs, a company may continue to exist by amending its articles of association.

To amend its articles of association according to the provisions of the preceding paragraph, the consent of the shareholders who hold two thirds or more of the voting rights shall be obtained if it is a limited liability company, and the consent of two thirds or more of the voting rights the shareholders who attend the meeting of the shareholders assembly shall be obtained if it is a joint stock limited company.

Article 183 Where any company meets any serious difficulty in its operations or management so that the interests of the shareholders will face heavy loss if it continues to exist and it cannot be solved by any other means, the shareholders who hold ten percent or more of the voting rights of all the shareholders of the company may plead the people's court to dissolve the company.

Article 184 Where any company is dissolved according to the provisions of Article 181 (1), (2), (4), or (5) of this Law, a liquidation group shall be formed within fifteen days as of the occurrence of the cause of dissolution so as to carry out a liquidation. The liquidation group of a limited liability company shall be composed of the shareholders, while that of a joint stock limited company shall be composed of the directors or any other people as determined by the shareholders' assembly. Where no liquidation group is formed within the time limit, the creditors may plead the people's court to designate relevant persons to form a liquidation group. The people's court shall accept such request and form a liquidation group so as to carry out a liquidation in a timely manner.

Article 185 The liquidation group may exercise the following functions during the process of liquidation:

- (1) liquidating the properties of the company, producing balance sheets and asset checklists;
- (2) notifying creditors by notice or public announcement;
- (3) handling and liquidating the businesses of the company that have not been completed;
- (4) clearing off the outstanding taxes and the taxes incurred in the process of liquidation;
- (5) clearing off credits and debts;
- (6) disposing of the residual properties; and
- (7) participating in the civil proceedings of the company.

Article 186 The liquidation group shall, within ten days as of its formation, notify the creditors, and shall make a public announcement within 60 days on newspapers. Creditors shall, within thirty days as of receipt of a notice or within 45 days as of the issuance of the public announcement in the case of failing to receiving a notice, declare credits against the liquidation group.

To declare credits, a creditor shall describe the relevant matters and provide relevant evidential materials. The liquidation group shall record down the credits declared, and may not clear off any of the debt of any creditor during the period of credit declaration.

Article 187 The liquidation group shall, after liquidating the properties of the company and producing balance sheets and checklists of properties, make a plan of liquidation, and report it to the shareholders' meeting or the shareholders' assembly or the people's court for confirmation.

The residual properties that result from paying off the liquidation expenses, wages of employees, social insurance premiums and legal indemnification premiums, the outstanding taxes and the debts of the company with the properties of the company may, in the case of a limited liability company, be distributed according to the proportion of capital contribution of the shareholders or, in the case of a joint stock limited company, distributed according to the proportion of stocks held by the shareholders. During the term of liquidation, the company continues to exist, but may not carry out any business operation that has nothing to do with liquidation. None of the properties of the company may be distributed to any shareholder before they are used for the clearing off as described in the preceding paragraph.

Article 188 If the liquidation group finds that the properties of the company is not sufficient for clearing off the debts after liquidating the properties of the company, producing balance sheets and checklists of properties, it shall file an application to the people's court for bankruptcy.

Once the people's court makes a ruling declaring the company bankrupt, the liquidation group shall hand over the liquidation matters to the people's court.

Article 189 After the liquidation of the company is completed, the liquidation group shall formulate a liquidation report, which shall be submitted to the shareholders' meeting or the shareholders' assembly or the people's court for confirmation, and shall be submitted to the company registration authority for writing off its registration. It shall also make a public announcement about its termination.

Article 190 The members of the liquidation group shall devote themselves to their duties and perform their obligations of liquidation according to law.

None of the members of the liquidation group may take advantage of his position to take any bribe or any other illegal proceeds, nor may he misappropriate any of the properties of the company.

Where any of the members of the liquidation group causes any loss to the company or any creditor by intention or due to gross negligence, he shall make corresponding compensations.

Article 191 Where a company is declared bankrupt according to law, it shall carry out a bankruptcy liquidation according to the legal provisions concerning bankruptcy liquidation.

Chapter XI Branches of Foreign Companies

Article 192 The term “foreign company” as mentioned in this Law refers to a company established beyond the territory of China according to any foreign law.

Article 193 A foreign company which plans to establish any branch within the territory of China shall submit an application with the competent authority of China, and shall submit relevant documents such as the articles of incorporation, the company registration certificate as issued by the country of establishment, etc., and shall go through registration formalities with the company registration authority according to law and obtain a business license.

The measures for the examination and approval of the branches of foreign companies shall be separately formulated by the State Council.

Article 194 Where a foreign company establishes any branch within the territory of China, it must designate a representative or agent within the territory of China to take charge of the branch, and shall allocate to the branch funds which are in match with the business activities it is engaged in.

Article 195 The branches of foreign companies shall indicate in its name the nationality and the form of liability of the foreign company concerned.

The branch of a foreign company shall provide the articles of incorporation of the foreign company concerned at its own place.

Article 196 A branch of a foreign company established within the territory of China does not have the status of a legal person.

A foreign company shall bear civil liabilities for the business operations of its branches carried out within the territory of China.

Article 197 The branches of foreign companies which are established upon approval shall abide by the laws of China in their business activities within the territory of China, and may not injure the social public interests of China, and the lawful rights and interests thereof shall be protected by Chinese law.

Article 198 Where a foreign company relinquishes any of its branches within the territory of China, it must clear off the debts thereof according to law, and shall carry out a liquidation according to the provisions of this Law regarding the procedures for the liquidation of companies. Before the debts are cleared off, it may not transfer any of the properties of the branch out of China.

Chapter XII Legal Liabilities

Article 199 Where anyone obtains the registration of any company by fabricating his registered capital, submitting false materials or by any other fraudulent means so as to conceal any important facts, he shall be ordered by the company registration authority to correct. In the case of fabricating his registered capital, he shall be fined not less than 5% but not more than 15% of the

fabricated registered capital; in the case of submitting false materials or by any other fraudulent means so that any important facts are concealed, he shall be fined not less than 5,000 yuan but not more than 50,000 yuan; if the circumstances are serious, the company registration certificate shall be revoked or the business license shall be cancelled.

Article 200 Any of the promoters or shareholders of a company who makes any false capital contribution or fails to deliver or fails to deliver in good time the money or non-monetary properties used as capital contribution shall be ordered by the company registration authority to correct and shall be fined not less than 5% but not more than 15% of the sum of false capital contribution.

Article 201 Where any promoter or shareholder unlawfully take away its capital contribution after the company is established, he shall be ordered by the company registration authority to correct, and shall be fined not less than 5% but not more than 15% of the capital contribution he has unlawfully taken away.

Article 202 Any company which establishes another set of account books apart from legally prescribed account books as in violation of the present Law shall be ordered by the treasury department of the people's government at the county level or above to correct, and shall be fined not less than 50,000 yuan but not more than 500, 000 yuan.

Article 203 Where any company makes any false records or conceals any important facts in such materials as financial and accounting statements submitted to the relevant departments in charge, the relevant department in charge shall impose a fine of not more than 30, 000 yuan but not more than 300, 000 yuan upon the directly liable persons in charge and other directly liable persons.

Article 204 Where any company fails to draw legal accumulative funds according to the present Law, it shall be ordered by the treasury department of the people's government at the county level or above to make up the amount it is due, and may be fined up to 200, 000 yuan.

Article 205 Where any company fails to notify its creditors by notice or by public announcement in the process of merger, split, reducing its registered capital or liquidation, it shall be ordered by the company registration authority to correct, and may be fined not less than 10, 000 yuan but not more than 100, 000 yuan.

Where, in the process of liquidation, any company hides any of its properties or makes any false record in its balance sheet or property checklist or distributes any of the company's property before clearing off its debts, it shall be ordered by the company registration authority to correct, and may be fined not less than 5% but not more than 10% of the value of the company properties it has hidden or distributed prior to the clearing of company debts, and the directly liable person-in-charge as well other directly liable persons may be fined not less than 10, 000 yuan but not more than 100, 000 yuan.

Article 206 Where, in the process of liquidation, any company carries out any business activity which has nothing to do with the liquidation, it shall be admonished by the company registration

authority and its illegal proceeds shall be confiscated.

Article 207 Where the liquidation group fails to submit a liquidation report to the company registration authority according to the provisions of the present Law or where any important fact is concealed or there is any important omission in the liquidation report it submits, it shall be ordered by the company registration authority to correct.

Where any member of the liquidation group takes advantage of his power to seek unlawful benefits for himself or any of his relatives or procures any unlawful gains or misappropriates any of the company's properties, he shall be ordered by the company registration authority to return the company property with his illegal gains being confiscated, and shall be fined 1 up to 5 times the illegal proceeds.

Article 208 Where any institution that undertakes the appraisal or verification of assets or the verification of certificates provides any false materials, its illegal proceeds shall be confiscated by the company registration authority, and it shall be fined 1 up to 5 times the illegal proceeds, and may be ordered by the competent administrative department to suspend its business operations or to cancel the qualifications certificates of the directly liable persons, and its business license shall be cancelled.

Where any institution that undertakes the appraisal or verification of assets or the verification of certificates has any important omission in the report it submits, it shall be ordered by the company registration authority to correct; if the circumstances are serious, it shall be fined 1 up to 5 times the proceeds it has obtained, and may be ordered by the competent administrative department to suspend its business operations, to cancel the qualifications certificate of the directly liable persons, and its business license may be cancelled.

Where the appraisal result or proof of asset verification or certificate verification as provided by any institution that undertakes the appraisal or verification of assets or the verification of certificates is proved to be untrue, which has caused any loss to the creditors of the company, it shall bear the compensation liabilities within the sum which is found to be untrue, unless it could prove that it has no fault in the incurrence of the loss.

Article 209 Where any company registration authority registers any application which does not meet the conditions as provided for in the present Law or fails to register any application which meets the conditions as prescribed in the present Law, the directly liable person-in-charge and other directly liable persons shall be given an administrative sanction.

Article 210 Where the superior organ of any company registration authority forces the latter to register any application that does not meet the conditions as prescribed in the present Law or to refuse to any application that meets the conditions as provided for in the present Law or covers up for any illegal registration, the directly liable person-in-charge and other directly liable persons shall be given an administrative sanction according to law.

Article 211 Where anyone who fails to register as a limited liability company or joint stock limited company according to law but carries out its business operations in the name of a limited liability company or joint stock limited company or who fails to register as a subsidiary of any limited

liability company or joint stock limited company according to law but carries out its business operations in the name of a subsidiary of any limited liability company or joint stock limited company, it shall be ordered by the company registration authority to correct or be clamped down on, and may be fined not more than 100,000 yuan.

Article 212 Where any company fails to start its business operations six months after it is established without justifiable reasons or suspends its business operations on its own initiative for consecutively six months after it has started business operations, its business license may be cancelled by the company registration authority.

Where any registered item of any company changes, and the company fails to go through the corresponding modification procedures according to the present Law, it shall be ordered by the company registration authority to make modification registration within a time limit; if it still fails to make the registration, it shall be fined not less than 10, 000 yuan but not more than 100, 000 yuan.

Article 213 Where any foreign company violates this Law by unlawfully establishing any branch within China, it shall be ordered by the company registration authority to correct or to close down, and may be fined not less than 50,000 yuan but not more than 200, 000 yuan.

Article 214 Where anyone commits, in the name of any company, any serious violation of law so that the security of the state or the public interest of the society is injured, the business license of the company shall be revoked.

Article 215 Where any company violates any provision of this Law, it shall bear the corresponding civil liabilities of compensation, and shall pay the corresponding fines and pecuniary penalties; if the property thereof is not enough to pay for the compensations, it shall bear civil liabilities first.

Article 216 Where any company that violates the present Law and any crime is constituted, it shall be subject to criminal liabilities.

Chapter XIII Supplementary Provisions

Article 217 Definitions of the following terms:

(1) A “senior management person” refers to the manager, vice manager, person in charge of finance, the secretary of the board of directors of a listed company, or any other person as provided for in the articles of association.

(2) A “controlling shareholder” refers to a shareholder whose capital contribution occupies 5% or more in the total capital of a limited liability company or a shareholder whose stocks occupies more than 50% of the total equity stocks of a joint stock limited company or a shareholder whose capital contribution or proportion of stock is less than 50% but who enjoys a voting right according to its capital contribution or the stocks it holds is large enough to impose a big impact upon the resolution of the shareholders’ meeting or the shareholders’ assembly.

(3) An “actual controller” refers to anyone who is not a shareholder but is able to hold actual control of the acts of the company by means of investment relations, agreements or any other

arrangements.

(4) "Connection relationship" refers to the relationship between the controlling shareholder, actual controller, director, supervisor, or senior management person of a company and the enterprise directly or indirectly controlled thereby and any other relationship that may lead to the transfer of any interest of the company. However, the enterprises controlled by the state do not incur a connection relationship there between simply because their shares are controlled by the state.

Article 218 The limited liability companies and joint stock limited companies invested by foreign investors shall be governed by the present Law. Where there are otherwise different provisions in any law regarding foreign investment, such provisions shall prevail.

Article 219 This Law shall become effective on January 1, 2006.

《中华人民共和国公司法》

原文链接：http://www.gov.cn/flfg/2006-10/29/content_85478.htm

中华人民共和国主席令

第 四十二 号

《中华人民共和国公司法》已由中华人民共和国第十届全国人民代表大会常务委员会第十八次会议于 2005 年 10 月 27 日修订通过，现将修订后的《中华人民共和国公司法》公布，自 2006 年 1 月 1 日起施行。

中华人民共和国主席 胡锦涛

2005 年 10 月 27 日

中华人民共和国公司法

(1993 年 12 月 29 日第八届全国人民代表大会常务委员会第五次会议通过
根据 1999 年 12 月 25 日第九届全国人民代表大会常务委员会第十三次会议《关于修改〈中华人民共和国公司法〉的决定》第一次修正 根据 2004 年 8 月 28 日第十届全国人民代表大会常务委员会第十一次会议《关于修改〈中华人民共和国公司法〉的决定》第二次修正 2005 年 10 月 27 日第十届全国人民代表大会常务委员会第十八次会议修订)

目 录

第一章 总 则

第二章 有限责任公司的设立和组织机构

第一节 设 立

第二节 组织机构

第三节 一人有限责任公司的特别规定

第四节 国有独资公司的特别规定

第三章 有限责任公司的股权转让

第四章 股份有限公司的设立和组织机构

第一节 设 立

第二节	股东大会
第三节	董事会、经理
第四节	监事会
第五节	上市公司组织机构的特别规定
第五章	股份有限公司的股份发行和转让
第一节	股份发行
第二节	股份转让
第六章	公司董事、监事、高级管理人员的资格和义务
第七章	公司债券
第八章	公司财务、会计
第九章	公司合并、分立、增资、减资
第十章	公司解散和清算
第十一章	外国公司的分支机构
第十二章	法律责任
第十三章	附 则

第一章 总 则

第一条 为了规范公司的组织和行为，保护公司、股东和债权人的合法权益，维护社会经济秩序，促进社会主义市场经济的发展，制定本法。

第二条 本法所称公司是指依照本法在中国境内设立的有限责任公司和股份有限公司。

第三条 公司是企业法人，有独立的法人财产，享有法人财产权。公司以其全部财产对公司的债务承担责任。

有限责任公司的股东以其认缴的出资额为限对公司承担责任；股份有限公司的股东以其认购的股份为限对公司承担责任。

第四条 公司股东依法享有资产收益、参与重大决策和选择管理者等权利。

第五条 公司从事经营活动，必须遵守法律、行政法规，遵守社会公德、商业道德，诚实守信，接受政府和社会公众的监督，承担社会责任。

公司的合法权益受法律保护，不受侵犯。

第六条 设立公司，应当依法向公司登记机关申请设立登记。符合本法规定的设立条件的，由公司登记机关分别登记为有限责任公司或者股份有限公司；不符合本法规定的设立条件的，不得登记为有限责任公司或者股份有限公司。

法律、行政法规规定设立公司必须报经批准的，应当在公司登记前依法办理批准手续。公众可以向公司登记机关申请查询公司登记事项，公司登记机关应当提供查

询服务。

第七条 依法设立的公司，由公司登记机关发给公司营业执照。公司营业执照签发日期为公司成立日期。

公司营业执照应当载明公司的名称、住所、注册资本、实收资本、经营范围、法定代表人姓名等事项。

公司营业执照记载的事项发生变更的，公司应当依法办理变更登记，由公司登记机关换发营业执照。

第八条 依照本法设立的有限责任公司，必须在公司名称中标明有限责任公司或者有限公司字样。

依照本法设立的股份有限公司，必须在公司名称中标明股份有限公司或者股份公司字样。

第九条 有限责任公司变更为股份有限公司，应当符合本法规定的股份有限公司的条件。股份有限公司变更为有限责任公司，应当符合本法规定的有限责任公司的条件。

有限责任公司变更为股份有限公司的，或者股份有限公司变更为有限责任公司的，公司变更前的债权、债务由变更后的公司承继。

第十条 公司以其主要办事机构所在地为住所。

第十一条 设立公司必须依法制定公司章程。公司章程对公司、股东、董事、监事、高级管理人员具有约束力。

第十二条 公司的经营范围由公司章程规定，并依法登记。公司可以修改公司章程，改变经营范围，但是应当办理变更登记。

公司的经营范围中属于法律、行政法规规定须经批准的项目，应当依法经过批准。

第十三条 公司法定代表人依照公司章程的规定，由董事长、执行董事或者经理担任，并依法登记。公司法定代表人变更，应当办理变更登记。

第十四条 公司可以设立分公司。设立分公司，应当向公司登记机关申请登记，领取营业执照。分公司不具有法人资格，其民事责任由公司承担。

公司可以设立子公司，子公司具有法人资格，依法独立承担民事责任。

第十五条 公司可以向其他企业投资；但是，除法律另有规定外，不得成为对所投资企业的债务承担连带责任的出资人。

第十六条 公司向其他企业投资或者为他人提供担保，依照公司章程的规定，由董事会或者股东会、股东大会决议；公司章程对投资或者担保的总额及单项投资或者担保的数额有限额规定的，不得超过规定的限额。

公司为公司股东或者实际控制人提供担保的，必须经股东会或者股东大会决议。

前款规定的股东或者受前款规定的实际控制人支配的股东，不得参加前款规定事项的表决。该项表决由出席会议的其他股东所持表决权的过半数通过。

第十七条 公司必须保护职工的合法权益，依法与职工签订劳动合同，参加社会保险，加强劳动保护，实现安全生产。

公司应当采用多种形式，加强公司职工的职业教育和岗位培训，提高职工素质。

第十八条 公司职工依照《中华人民共和国工会法》组织工会，开展工会活动，维护职工合法权益。公司应当为本公司工会提供必要的活动条件。公司工会代表职工就职工的劳动报酬、工作时间、福利、保险和劳动安全卫生等事项依法与公司签订集体合同。

公司依照宪法和有关法律的规定，通过职工代表大会或者其他形式，实行民主管理。

公司研究决定改制以及经营方面的重大问题、制定重要的规章制度时，应当听取公司工会的意见，并通过职工代表大会或者其他形式听取职工的意见和建议。

第十九条 在公司中，根据中国共产党章程的规定，设立中国共产党的组织，开展党的活动。公司应当为党组织的活动提供必要条件。

第二十条 公司股东应当遵守法律、行政法规和公司章程，依法行使股东权利，不得滥用股东权利损害公司或者其他股东的利益；不得滥用公司法人独立地位和股东有限责任损害公司债权人的利益。

公司股东滥用股东权利给公司或者其他股东造成损失的，应当依法承担赔偿责任。

公司股东滥用公司法人独立地位和股东有限责任，逃避债务，严重损害公司债权人利益的，应当对公司债务承担连带责任。

第二十一条 公司的控股股东、实际控制人、董事、监事、高级管理人员不得利用其关联关系损害公司利益。

违反前款规定，给公司造成损失的，应当承担赔偿责任。

第二十二条 公司股东会或者股东大会、董事会的决议内容违反法律、行政

法规的无效。

股东会或者股东大会、董事会的会议召集程序、表决方式违反法律、行政法规或者公司章程，或者决议内容违反公司章程的，股东可以自决议作出之日起六十日内，请求人民法院撤销。

股东依照前款规定提起诉讼的，人民法院可以应公司的请求，要求股东提供相应担保。

公司根据股东会或者股东大会、董事会决议已办理变更登记的，人民法院宣告该决议无效或者撤销该决议后，公司应当向公司登记机关申请撤销变更登记。

第二章 有限责任公司的设立和组织机构

第一节 设 立

第二十三条 设立有限责任公司，应当具备下列条件：

- (一) 股东符合法定人数；
- (二) 股东出资达到法定资本最低限额；有符合公司章程规定的全体股东认缴的出资额；
- (三) 股东共同制定公司章程；
- (四) 有公司名称，建立符合有限责任公司要求的组织机构；
- (五) 有公司住所。

第二十四条 有限责任公司由五十个以下股东出资设立。

第二十五条 有限责任公司章程应当载明下列事项：

- (一) 公司名称和住所；
- (二) 公司经营范围；
- (三) 公司注册资本；
- (四) 股东的姓名或者名称；
- (五) 股东的出资方式、出资额和出资时间；
- (六) 公司的机构及其产生办法、职权、议事规则；
- (七) 公司法定代表人；
- (八) 股东会会议认为需要规定的其他事项。

股东应当在公司章程上签名、盖章。

第二十六条 有限责任公司的注册资本为在公司登记机关登记的全体股东认缴的出资额。公司全体股东的首次出资额不得低于注册资本的百分之二十，也不得低于法定的注册资本最低限额，其余部分由股东自公司成立之日起两年内缴

足；其中，投资公司可以在五年内缴足。

有限责任公司注册资本的最低限额为人民币三万元。法律、行政法规以及国务院决定对有限责任公司注册资本的最低限额有较高规定的，注册资本实缴、注册资本最低限额另有规定的，从其规定。

第二十七条 股东可以用货币出资，也可以用实物、知识产权、土地使用权等可以用货币估价并可以依法转让的非货币财产作价出资；但是，法律、行政法规规定不得作为出资的财产除外。

对作为出资的非货币财产应当评估作价，核实财产，不得高估或者低估作价。法律、行政法规对评估作价有规定的，从其规定。

全体股东的货币出资金额不得低于有限责任公司注册资本的百分之三十。

第二十八条 股东应当按期足额缴纳公司章程中规定的各自所认缴的出资额。股东以货币出资的，应当将货币出资足额存入有限责任公司在银行开设的账户；以非货币财产出资的，应当依法办理其财产权的转移手续。

股东不按照前款规定缴纳出资的，除应当向公司足额缴纳外，还应当向已按期足额缴纳出资的股东承担违约责任。

第二十九条 股东缴纳出资后，必须经依法设立的验资机构验资并出具证明。

第三十条 股东的首次出资经依法设立的验资机构验资后，由全体股东指定的代表或者共同委托的代理人向公司登记机关报送公司登记申请书、公司章程、验资证明等文件，申请设立登记。

第三十一条 有限责任公司成立后，发现作为设立公司出资的非货币财产的 实际价额显著低于公司章程所定价额的，应当由交付该出资的股东补足其差额； 公司设立时的其他股东承担连带责任。

第三十二条 有限责任公司成立后，应当向股东签发出资证明书。

出资证明书应当载明下列事项：

- （一）公司名称；
- （二）公司成立日期；
- （三）公司注册资本；
- （四）股东的姓名或者名称、缴纳的出资额和出资日期；
- （五）出资证明书的编号和核发日期。

出资证明书由公司盖章。

第三十三条 有限责任公司应当置备股东名册，记载下列事项：

- （一）股东的姓名或者名称及住所；

(二) 股东的出资额；

(三) 出资证明书编号。记载于股东名册的股东，可以依股东名册主张行使股东权利。公司应当将股东的姓名或者名称及其出资额向公司登记机关登记；登记事项

发生变更的，应当办理变更登记。未经登记或者变更登记的，不得对抗第三人。

第三十四条 股东有权查阅、复制公司章程、股东会会议记录、董事会会议决议、监事会会议决议和财务会计报告。股东可以要求查阅公司会计账簿。股

东要求查阅公司会计账簿的，应当向公司提出书面请求，说明目的。公司有合理根据认为股东查阅会计账簿有不正当目的，可能损害公司合法利益的，可以拒绝提供查阅，并应当自股东提出书面请求之日起十五日内书面答复股东并说明理由。公司拒绝提供查阅的，股东可以请求人民法院要求公司提供查阅。

第三十五条 股东按照实缴的出资比例分取红利；公司新增资本时，股东有权优先按照实缴的出资比例认缴出资。但是，全体股东约定不按照出资比例分取红利或者不按照出资比例优先认缴出资的除外。

第三十六条 公司成立后，股东不得抽逃出资。

第二节 组织机构

第三十七条 有限责任公司股东会由全体股东组成。股东会是公司的权力机构，依照本法行使职权。

第三十八条 股东会行使下列职权：

- (一) 决定公司的经营方针和投资计划；
- (二) 选举和更换非由职工代表担任的董事、监事，决定有关董事、监事的报酬事项；
- (三) 审议批准董事会的报告；
- (四) 审议批准监事会或者监事的报告；
- (五) 审议批准公司的年度财务预算方案、决算方案；
- (六) 审议批准公司的利润分配方案和弥补亏损方案；
- (七) 对公司增加或者减少注册资本作出决议；
- (八) 对发行公司债券作出决议；
- (九) 对公司合并、分立、解散、清算或者变更公司形式作出决议；
- (十) 修改公司章程；

(十一) 公司章程规定的其他职权。

对前款所列事项股东以书面形式一致表示同意的，可以不召开股东会会议，直接作出决定，并由全体股东在决定文件上签名、盖章。

第三十九条 首次股东会会议由出资最多的股东召集和主持，依照本法规定行使职权。

第四十条 股东会会议分为定期会议和临时会议。定期会议应当依照公司章程的规定按时召开。代表十分之一以上表决权的股东，三分之一以上的董事，监事会或者不设监事会的公司的监事提议召开临时会议的，应当召开临时会议。

第四十一条 有限责任公司设立董事会的，股东会会议由董事会召集，董事长主持；董事长不能履行职务或者不履行职务的，由副董事长主持；副董事长不能履行职务或者不履行职务的，由半数以上董事共同推举一名董事主持。

有限责任公司不设董事会的，股东会会议由执行董事召集和主持。董事会或者执行董事不能履行或者不履行召集股东会会议职责的，由监事会或者不设监事会的公司的监事召集和主持；监事会或者监事不召集和主持的，代表十分之一以上表决权的股东可以自行召集和主持。

第四十二条 召开股东会会议，应当于会议召开十五日前通知全体股东；但是，公司章程另有规定或者全体股东另有约定的除外。

股东会应当对所议事项的决定作成会议记录，出席会议的股东应当在会议记录上签名。

第四十三条 股东会会议由股东按照出资比例行使表决权；但是，公司章程另有规定的除外。

第四十四条 股东会的议事方式和表决程序，除本法有规定的外，由公司章程规定。

股东会会议作出修改公司章程、增加或者减少注册资本的决议，以及公司合并、分立、解散或者变更公司形式的决议，必须经代表三分之二以上表决权的股东通过。

第四十五条 有限责任公司设董事会，其成员为三人至十三人；但是，本法第五十一条另有规定的除外。

两个以上的国有企业或者两个以上的其他国有投资主体投资设立的有限责任公司，其董事会成员中应当有公司职工代表；其他有限责任公司董事会成员中可以有公司职工代表。董事会中的职工代表由公司职工通过职工代表大会、职工大会或者其他形式民主选举产生。

董事会设董事长一人，可以设副董事长。董事长、副董事长的产生办法由公司章程规定。

第四十六条 董事任期由公司章程规定，但每届任期不得超过三年。董事任期届满，连选可以连任。

董事任期届满未及时改选，或者董事在任期内辞职导致董事会成员低于法定人数的，在改选出的董事就任前，原董事仍应当依照法律、行政法规和公司章程的规定，履行董事职务。

第四十七条 董事会对股东会负责，行使下列职权：

- (一) 召集股东会会议，并向股东会报告工作；
- (二) 执行股东会的决议；
- (三) 决定公司的经营计划和投资方案；
- (四) 制订公司的年度财务预算方案、决算方案；
- (五) 制订公司的利润分配方案和弥补亏损方案；
- (六) 制订公司增加或者减少注册资本以及发行公司债券的方案；
- (七) 制订公司合并、分立、解散或者变更公司形式的方案；
- (八) 决定公司内部管理机构的设置；
- (九) 决定聘任或者解聘公司经理及其报酬事项，并根据经理的提名决定聘任或者解聘公司副经理、财务负责人及其报酬事项；
- (十) 制定公司的基本管理制度；
- (十一) 公司章程规定的其他职权。

第四十八条 董事会会议由董事长召集和主持；董事长不能履行职务或者不履行职务的，由副董事长召集和主持；副董事长不能履行职务或者不履行职务的，由半数以上董事共同推举一名董事召集和主持。

第四十九条 董事会的议事方式和表决程序，除本法有规定的外，由公司章程规定。

董事会应当对所议事项的决定作成会议记录，出席会议的董事应当在会议记录上签名。

董事会决议的表决，实行一人一票。

第五十条 有限责任公司可以设经理，由董事会决定聘任或者解聘。经理对董事会负责，行使下列职权：

- (一) 主持公司的生产经营管理工作，组织实施董事会决议；
- (二) 组织实施公司年度经营计划和投资方案；
- (三) 拟订公司内部管理机构设置方案；

(四) 拟订公司的基本管理制度；
(五) 制定公司的具体规章；
(六) 提请聘任或者解聘公司副经理、财务负责人；
(七) 决定聘任或者解聘除应由董事会决定聘任或者解聘以外的负责管理人员；

(八) 董事会授予的其他职权。 公司章程对经理职权另有规定的，从其规定。 经理列席董事会会议。

第五十一条 股东人数较少或者规模较小的有限责任公司，可以设一名执行董事，不设董事会。执行董事可以兼任公司经理。

执行董事的职权由公司章程规定。

第五十二条 有限责任公司设监事会，其成员不得少于三人。股东人数较少或者规模较小的有限责任公司，可以设一至二名监事，不设监事会。

监事会应当包括股东代表和适当比例的公司职工代表，其中职工代表的比例不得低于三分之一，具体比例由公司章程规定。监事会中的职工代表由公司职工通过职工代表大会、职工大会或者其他形式民主选举产生。

监事会设主席一人，由全体监事过半数选举产生。监事会主席召集和主持监事会会议；监事会主席不能履行职务或者不履行职务的，由半数以上监事共同推举一名监事召集和主持监事会会议。

董事、高级管理人员不得兼任监事。

第五十三条 监事的任期每届为三年。监事任期届满，连选可以连任。 监事任期届满未及时改选，或者监事在任期内辞职导致监事会成员低于法定人数的，在改选出的监事就任前，原监事仍应当依照法律、行政法规和公司章程的规定，履行监事职务。

第五十四条 监事会、不设监事会的公司的监事行使下列职权：

- (一) 检查公司财务；
- (二) 对董事、高级管理人员执行公司职务的行为进行监督，对违反法律、行政法规、公司章程或者股东会决议的董事、高级管理人员提出罢免的建议；
- (三) 当董事、高级管理人员的行为损害公司的利益时，要求董事、高级管理人员予以纠正；
- (四) 提议召开临时股东会会议，在董事会不履行本法规定的召集和主持股东会会议职责时召集和主持股东会会议；
- (五) 向股东会会议提出提案；

- (六) 依照本法第一百五十二条的规定，对董事、高级管理人员提起诉讼；
- (七) 公司章程规定的其他职权。

第五十五条 监事可以列席董事会会议，并对董事会决议事项提出质询或者建议。

监事会、不设监事会的公司的监事发现公司经营情况异常，可以进行调查；必要时，可以聘请会计师事务所等协助其工作，费用由公司承担。

第五十六条 监事会每年度至少召开一次会议，监事可以提议召开临时监事会会议。

监事会的议事方式和表决程序，除本法有规定的外，由公司章程规定。监事会决议应当经半数以上监事通过。监事会应当对所议事项的决定作成会议记录，出席会议的监事应当在会议记录上签名。

第五十七条 监事会、不设监事会的公司的监事行使职权所必需的费用，由公司承担。

第三节 一人有限责任公司的特别规定

第五十八条 一人有限责任公司的设立和组织机构，适用本节规定；本节没有规定的，适用本章第一节、第二节的规定。

本法所称一人有限责任公司，是指只有一个自然人股东或者一个法人股东的有限责任公司。

第五十九条 一人有限责任公司的注册资本最低限额为人民币十万元。股东应当一次足额缴纳公司章程规定的出资额。

一个自然人只能投资设立一个一人有限责任公司。该一人有限责任公司不能投资设立新的一人有限责任公司。

第六十条 一人有限责任公司应当在公司登记中注明自然人独资或者法人独资，并在公司营业执照中载明。

第六十一条 一人有限责任公司章程由股东制定。

第六十二条 一人有限责任公司不设股东会。股东作出本法第三十八条第一款所列决定时，应当采用书面形式，并由股东签名后置备于公司。

第六十三条 一人有限责任公司应当在每一会计年度终了时编制财务会计报告，并经会计师事务所审计。

第六十四条 一人有限责任公司的股东不能证明公司财产独立于股东自己的财产的，应当对公司债务承担连带责任。

第四节 国有独资公司的特别规定

第六十五条 国有独资公司的设立和组织机构，适用本节规定；本节没有规定的，适用本章第一节、第二节的规定。

本法所称国有独资公司，是指国家单独出资、由国务院或者地方人民政府授权本级人民政府国有资产监督管理机构履行出资人职责的有限责任公司。

第六十六条 国有独资公司章程由国有资产监督管理机构制定，或者由董事会制订报国有资产监督管理机构批准。

第六十七条 国有独资公司不设股东会，由国有资产监督管理机构行使股东会职权。国有资产监督管理机构可以授权公司董事会行使股东会的部分职权，决定公司的重大事项，但公司的合并、分立、解散、增加或者减少注册资本和发行公司债券，必须由国有资产监督管理机构决定；其中，重要的国有独资公司合并、分立、解散、申请破产的，应当由国有资产监督管理机构审核后，报本级人民政府批准。

前款所称重要的国有独资公司，按照国务院的规定确定。

第六十八条 国有独资公司设董事会，依照本法第四十七条、第六十七条的规定行使职权。董事每届任期不得超过三年。董事会成员中应当有公司职工代表。

董事会成员由国有资产监督管理机构委派；但是，董事会成员中的职工代表由公司职工代表大会选举产生。

董事会设董事长一人，可以设副董事长。董事长、副董事长由国有资产监督管理机构从董事会成员中指定。

第六十九条 国有独资公司设经理，由董事会聘任或者解聘。经理依照本法第五十条规定行使职权。

经国有资产监督管理机构同意，董事会成员可以兼任经理。

第七十条 国有独资公司的董事长、副董事长、董事、高级管理人员，未经国有资产监督管理机构同意，不得在其他有限责任公司、股份有限公司或者其他经济组织兼职。

第七十一条 国有独资公司监事会成员不得少于五人，其中职工代表的比例不得低于三分之一，具体比例由公司章程规定。

监事会成员由国有资产监督管理机构委派；但是，监事会成员中的职工代表

由公司职工代表大会选举产生。监事会主席由国有资产监督管理机构从监事会成员中指定。监事会行使本法第五十四条第（一）项至第（三）项规定的职权和国务院规定的其他职权。

第三章 有限责任公司的股权转让

第七十二条 有限责任公司的股东之间可以相互转让其全部或者部分股权。股东向股东以外的人转让股权，应当经其他股东过半数同意。股东应就其股权转让事项书面通知其他股东征求同意，其他股东自接到书面通知之日起满三十日未答复的，视为同意转让。其他股东半数以上不同意转让的，不同意的股东应当购买该转让的股权；不购买的，视为同意转让。经股东同意转让的股权，在同等条件下，其他股东有优先购买权。两个以上股东主张行使优先购买权的，协商确定各自的购买比例；协商不成的，按照转让时各自的出资比例行使优先购买权。

公司章程对股权转让另有规定的，从其规定。

第七十三条 人民法院依照法律规定的强制执行程序转让股东的股权时，应当通知公司及全体股东，其他股东在同等条件下有优先购买权。其他股东自人民法院通知之日起满二十日不行使优先购买权的，视为放弃优先购买权。

第七十四条 依照本法第七十二条、第七十三条转让股权后，公司应当注销原股东的出资证明书，向新股东签发出资证明书，并相应修改公司章程和股东名册中有关股东及其出资额的记载。对公司章程的该项修改不需再由股东会表决。

第七十五条 有下列情形之一的，对股东会该项决议投反对票的股东可以请求公司按照合理的价格收购其股权：

（一）公司连续五年不向股东分配利润，而公司该五年连续盈利，并且符合本法规定的分配利润条件的；

（二）公司合并、分立、转让主要财产的；

（三）公司章程规定的营业期限届满或者章程规定的其他解散事由出现，股东会会议通过决议修改章程使公司存续的。

自股东会会议决议通过之日起六十日内，股东与公司不能达成股权收购协议的，股东可以自股东会会议决议通过之日起九十日内向人民法院提起诉讼。

第七十六条 自然人股东死亡后，其合法继承人可以继承股东资格；但是，公司章程另有规定的除外。

第四章 股份有限公司的设立和组织机构

第一节 设 立

第七十七条 设立股份有限公司，应当具备下列条件：

- (一) 发起人符合法定人数；
- (二) 发起人认购和募集的股本达到法定资本最低限额；有符合公司章程规定的全体发起人认购的股本总额或者募集的实收股本总额；
- (三) 股份发行、筹办事项符合法律规定；
- (四) 发起人制订公司章程，采用募集方式设立的经创立大会通过；
- (五) 有公司名称，建立符合股份有限公司要求的组织机构；
- (六) 有公司住所。

第七十八条 股份有限公司的设立，可以采取发起设立或者募集设立的方式。

发起设立，是指由发起人认购公司应发行的全部股份而设立公司。募集设立，是指由发起人认购公司应发行股份的一部分，其余股份向社会公开募集或者向特定对象募集而设立公司。

第七十九条 设立股份有限公司，应当有二人以上二百人以下为发起人，其中须有半数以上的发起人在中国境内有住所。

第八十条 股份有限公司发起人承担公司筹办事务。发起人应当签订发起人协议，明确各自在公司设立过程中的权利和义务。

第八十一条 股份有限公司采取发起设立方式设立的，注册资本为在公司登记机关登记的全体发起人认购的股本总额。公司全体发起人的首次出资额不得低于注册资本的百分之二十，其余部分由发起人自公司成立之日起两年内缴足；其中，投资公司可以在五年内缴足。在发起人认购的股份缴足前，不得向他人募集股份。

股份有限公司采取募集方式设立的，注册资本为在公司登记机关登记的实收股本总额。

股份有限公司注册资本的最低限额为人民币五百万元。法律、行政法规以及国务院决定对股份有限公司注册资本的最低限额有较高规定的，从其规定。

第八十二条 股份有限公司章程应当载明下列事项：

- (一) 公司名称和住所；

- (二) 公司经营范围；
- (三) 公司设立方式；
- (四) 公司股份总数、每股金额和注册资本；
- (五) 发起人的姓名或者名称、认购的股份数、出资方式 and 出资时间；
- (六) 董事会的组成、职权和议事规则；
- (七) 公司法定代表人；
- (八) 监事会的组成、职权和议事规则；
- (九) 公司利润分配办法；
- (十) 公司的解散事由与清算办法；
- (十一) 公司的通知和公告办法；
- (十二) 股东大会会议认为需要规定的其他事项。

第八十三条 发起人的出资方式，适用本法第二十七条的规定。

第八十四条 以发起设立方式设立股份有限公司的，发起人应当书面认足公司章程规定其认购的股份；一次缴纳的，应即缴纳全部出资；分期缴纳的，应即缴纳首期出资，并按照公司章程规定缴纳出资。以非货币财产出资的，应当依法办理其财产权的转移手续。

发起人不依照前款规定缴纳出资的，应当按照发起人协议承担违约责任。

发起人首次缴纳出资后，发起人认足公司章程规定的出资后，应当选举董事会和监事会，由董事会向公司登记机关报送公司章程，~~由依法设定的验资机构出具~~的验资证明以及法律、行政法规规定的其他文件，申请设立登记。

第八十五条 以募集设立方式设立股份有限公司的，发起人认购的股份不得少于公司股份总数的百分之三十五；但是，法律、行政法规另有规定的，从其规定。

第八十六条 发起人向社会公开募集股份，必须公告招股说明书，并制作认股书。认股书应当载明本法第八十七条所列事项，由认股人填写认购股数、金额、住所，并签名、盖章。认股人按照所认购股数缴纳股款。

第八十七条 招股说明书应当附有发起人制订的公司章程，并载明下列事项：

- (一) 发起人认购的股份数；
- (二) 每股的票面金额和发行价格；
- (三) 无记名股票的发行总数；
- (四) 募集资金的用途；
- (五) 认股人的权利、义务；

(六)本次募股的起止期限及逾期末募足时认股人可以撤回所认股份的说明。

第八十八条 发起人向社会公开募集股份，应当由依法设立的证券公司承销，签订承销协议。

第八十九条 发起人向社会公开募集股份，应当同银行签订代收股款协议。

代收股款的银行应当按照协议代收和保存股款，向缴纳股款的认股人出具收款单据，并负有向有关部门出具收款证明的义务。

第九十条 发行股份的股款缴足后，必须经依法设立的验资机构验资并出具证明。发起人应当自股款缴足之日起三十日内主持召开公司创立大会。创立大会由发起人、认股人组成。

发行的股份超过招股说明书规定的截止期限尚未募足的，或者发行股份的股款缴足后，发起人在三十日内未召开创立大会的，认股人可以按照所缴股款并加算银行同期存款利息，要求发起人返还。

第九十一条 发起人应当在创立大会召开十五日前将会议日期通知各认股人或者予以公告。创立大会应有代表股份总数过半数的发起人、认股人出席，方可举行。

创立大会行使下列职权：

- (一) 审议发起人关于公司筹办情况的报告；
- (二) 通过公司章程；
- (三) 选举董事会成员；
- (四) 选举监事会成员；
- (五) 对公司的设立费用进行审核；
- (六) 对发起人用于抵作股款的财产的作价进行审核；
- (七) 发生不可抗力或者经营条件发生重大变化直接影响公司设立的，可以作出不设立公司的决议。

创立大会对前款所列事项作出决议，必须经出席会议的认股人所持表决权过半数通过。

第九十二条 发起人、认股人缴纳股款或者交付抵作股款的出资后，除未按期募足股份、发起人未按期召开创立大会或者创立大会决议不设立公司的情形外，不得抽回其股本。

第九十三条 董事会应于创立大会结束后三十日内，向公司登记机关报送下列文件，申请设立登记：

- (一) 公司登记申请书；
- (二) 创立大会的会议记录；

- (三) 公司章程；
- (四) 验资证明；
- (五) 法定代表人、董事、监事的任职文件及其身份证明；
- (六) 发起人的法人资格证明或者自然人身份证明；
- (七) 公司住所证明。以募集方式设立股份有限公司公开发行股票的，还应当向公司登记机关报送

国务院证券监督管理机构的核准文件。

第九十四条 股份有限公司成立后，发起人未按照公司章程的规定缴足出资的，应当补缴；其他发起人承担连带责任。

股份有限公司成立后，发现作为设立公司出资的非货币财产的实际价额显著低于公司章程所定价额的，应当由交付该出资的发起人补足其差额；其他发起人承担连带责任。

第九十五条 股份有限公司的发起人应当承担下列责任：

- (一) 公司不能成立时，对设立行为所产生的债务和费用负连带责任；
- (二) 公司不能成立时，对认股人已缴纳的股款，负返还股款并加算银行同期存款利息的连带责任；
- (三) 在公司设立过程中，由于发起人的过失致使公司利益受到损害的，应当对公司承担赔偿责任。

第九十六条 有限责任公司变更为股份有限公司时，折合的实收股本总额不得高于公司净资产额。有限责任公司变更为股份有限公司，为增加资本公开发行股份时，应当依法办理。

第九十七条 股份有限公司应当将公司章程、股东名册、公司债券存根、股东大会会议记录、董事会会议记录、监事会会议记录、财务会计报告置备于本公司。

第九十八条 股东有权查阅公司章程、股东名册、公司债券存根、股东大会会议记录、董事会会议决议、监事会会议决议、财务会计报告，对公司的经营提出建议或者质询。

第二节 股东大会

第九十九条 股份有限公司股东大会由全体股东组成。股东大会是公司的权力机构，依照本法行使职权。

第一百条 本法第三十八条第一款关于有限责任公司股东会职权的规定，适

用于股份有限公司股东大会。

第一百零一条 股东大会应当每年召开一次年会。有下列情形之一的，应当在两个月内召开临时股东大会：

- (一) 董事人数不足本法规定人数或者公司章程所定人数的三分之二时；
- (二) 公司未弥补的亏损达实收股本总额三分之一时；
- (三) 单独或者合计持有公司百分之十以上股份的股东请求时；
- (四) 董事会认为必要时；
- (五) 监事会提议召开时；
- (六) 公司章程规定的其他情形。

第一百零二条 股东大会会议由董事会召集，董事长主持；董事长不能履行职务或者不履行职务的，由副董事长主持；副董事长不能履行职务或者不履行职务的，由半数以上董事共同推举一名董事主持。

董事会不能履行或者不履行召集股东大会会议职责的，监事会应当及时召集和主持；监事会不召集和主持的，连续九十日以上单独或者合计持有公司百分之十以上股份的股东可以自行召集和主持。

第一百零三条 召开股东大会会议，应当将会议召开的时间、地点和审议的事项于会议召开二十日前通知各股东；临时股东大会应当于会议召开十五日前通知各股东；发行无记名股票的，应当于会议召开三十日前公告会议召开的时间、地点和审议事项。

单独或者合计持有公司百分之三以上股份的股东，可以在股东大会召开十日前提出临时提案并书面提交董事会；董事会应当在收到提案后二日内通知其他股东，并将该临时提案提交股东大会审议。临时提案的内容应当属于股东大会职权范围，并有明确议题和具体决议事项。

股东大会不得对前款通知中未列明的事项作出决议。无记名股票持有人出席股东大会会议的，应当于会议召开五日前至股东大会闭会时将股票交存于公司。

第一百零四条 股东出席股东大会会议，所持每一股份有一表决权。但是，公司持有的本公司股份没有表决权。

股东大会作出决议，必须经出席会议的股东所持表决权过半数通过。但是，股东大会作出修改公司章程、增加或者减少注册资本的决议，以及公司合并、分立、解散或者变更公司形式的决议，必须经出席会议的股东所持表决权的三分之二以上通过。

第一百零五条 本法和公司章程规定公司转让、受让重大资产或者对外提供

担保等事项必须经股东大会作出决议的，董事会应当及时召集股东大会会议，由股东大会就上述事项进行表决。

第一百零六条 股东大会选举董事、监事，可以依照公司章程的规定或者股东大会的决议，实行累积投票制。

本法所称累积投票制，是指股东大会选举董事或者监事时，每一股份拥有与应选董事或者监事人数相同的表决权，股东拥有的表决权可以集中使用。

第一百零七条 股东可以委托代理人出席股东大会会议，代理人应当向公司提交股东授权委托书，并在授权范围内行使表决权。

第一百零八条 股东大会应当对所议事项的决定作成会议记录，主持人、出席会议的董事应当在会议记录上签名。会议记录应当与出席股东的签名册及代理出席的委托书一并保存。

第三节 董事会、经理

第一百零九条 股份有限公司设董事会，其成员为五人至十九人。董事会成员中可以有公司职工代表。董事会中的职工代表由公司职工通过职工代表大会、职工大会或者其他形式民主选举产生。本法第四十六条关于有限责任公司董事任期的规定，适用于股份有限公司董事。

本法第四十七条关于有限责任公司董事会职权的规定，适用于股份有限公司董事会。

第一百一十条 董事会设董事长一人，可以设副董事长。董事长和副董事长由董事会以全体董事的过半数选举产生。

董事长召集和主持董事会会议，检查董事会决议的实施情况。副董事长协助董事长工作，董事长不能履行职务或者不履行职务的，由副董事长履行职务；副董事长不能履行职务或者不履行职务的，由半数以上董事共同推举一名董事履行职务。

第一百一十一条 董事会每年度至少召开两次会议，每次会议应当于会议召开十日前通知全体董事和监事。

代表十分之一以上表决权的股东、三分之一以上董事或者监事会，可以提议召开董事会临时会议。董事长应当自接到提议后十日内，召集和主持董事会会议。

董事会召开临时会议，可以另定召集董事会的通知方式和通知时限。

第一百一十二条 董事会会议应有过半数的董事出席方可举行。董事会作出

决议，必须经全体董事的过半数通过。

董事会决议的表决，实行一人一票。

第一百一十三条 董事会会议，应由董事本人出席；董事因故不能出席，可以书面委托其他董事代为出席，委托书中应载明授权范围。

董事会应当对会议所议事项的决定作成会议记录，出席会议的董事应当在会议记录上签名。

董事应当对董事会的决议承担责任。董事会的决议违反法律、行政法规或者公司章程、股东大会决议，致使公司遭受严重损失的，参与决议的董事对公司负赔偿责任。但经证明在表决时曾表明异议并记载于会议记录的，该董事可以免除责任。

第一百一十四条 股份有限公司设经理，由董事会决定聘任或者解聘。本法第五十条关于有限责任公司经理职权的规定，适用于股份有限公司经理。

第一百一十五条 公司董事会可以决定由董事会成员兼任经理。
第一百十六条 公司不得直接或者通过子公司向董事、监事、高级管理人员提供借款。

第一百一十七条 公司应当定期向股东披露董事、监事、高级管理人员从公司获得报酬的情况。

第四节 监事会

第一百一十八条 股份有限公司设监事会，其成员不得少于三人。监事会应当包括股东代表和适当比例的公司职工代表，其中职工代表的比例不得低于三分之一，具体比例由公司章程规定。监事会中的职工代表由公司职工通过职工代表大会、职工大会或者其他形式民主选举产生。

监事会设主席一人，可以设副主席。监事会主席和副主席由全体监事过半数选举产生。监事会主席召集和主持监事会会议；监事会主席不能履行职务或者不履行职务的，由监事会副主席召集和主持监事会会议；监事会副主席不能履行职务或者不履行职务的，由半数以上监事共同推举一名监事召集和主持监事会会议。

董事、高级管理人员不得兼任监事。本法第五十三条关于有限责任公司监事任期的规定，适用于股份有限公司监事。

第一百一十九条 本法第五十四条、第五十五条关于有限责任公司监事会职权的规定，适用于股份有限公司监事会。监事会行

使职权所必需的费用，由公司承担。

第一百二十条 监事会每六个月至少召开一次会议。监事可以提议召开临时监事会会议。

监事会的议事方式和表决程序，除本法有规定的外，由公司章程规定。监事会决议应当经半数以上监事通过。监事会应当对所议事项的决定作成会议记录，出席会议的监事应当在会议记录上签名。

第五节 上市公司组织机构的特别规定

第一百二十一条 本法所称上市公司，是指其股票在证券交易所上市交易的股份有限公司。

第一百二十二条 上市公司在一年内购买、出售重大资产或者担保金额超过公司资产总额百分之三十的，应当由股东大会作出决议，并经出席会议的股东所持表决权的三分之二以上通过。

第一百二十三条 上市公司设立独立董事，具体办法由国务院规定。

第一百二十四条 上市公司设董事会秘书，负责公司股东大会和董事会会议的筹备、文件保管以及公司股东资料的管理，办理信息披露事务等事宜。

第一百二十五条 上市公司董事与董事会会议决议事项所涉及的企业有关联关系的，不得对该项决议行使表决权，也不得代理其他董事行使表决权。该董事会会议由过半数的无关联关系董事出席即可举行，董事会会议所作决议须经无关联关系董事过半数通过。出席董事会的无关联关系董事人数不足三人的，应将该事项提交上市公司股东大会审议。

第五章 股份有限公司的股份发行和转让

第一节 股份发行

第一百二十六条 股份有限公司的资本划分为股份，每一股的金额相等。公司的股份采取股票的形式。股票是公司签发的证明股东所持股份的凭证。

第一百二十七条 股份的发行，实行公平、公正的原则，同种类的每一股份应当具有同等权利。

同次发行的同种类股票，每股的发行条件和价格应当相同；任何单位或者个人所认购的股份，每股应当支付相同价额。

第一百二十八条 股票发行价格可以按票面金额，也可以超过票面金额，但不得低于票面金额。

第一百二十九条 股票采用纸面形式或者国务院证券监督管理机构规定的其他形式。

股票应当载明下列主要事项：

- (一) 公司名称；
- (二) 公司成立日期；
- (三) 股票种类、票面金额及代表的股份数；
- (四) 股票的编号。股票由法定代表人签名，公司盖章。发起人的股票，应当标明发起人股票字样。

第一百三十条 公司发行的股票，可以为记名股票，也可以为无记名股票。公司向发起人、法人发行的股票，应当为记名股票，并应当记载该发起人、法人的名称或者姓名，不得另立户名或者以代表人姓名记名。

第一百三十一条 公司发行记名股票的，应当置备股东名册，记载下列事项：

- (一) 股东的姓名或者名称及住所；
 - (二) 各股东所持股份数；
 - (三) 各股东所持股票的编号；
 - (四) 各股东取得股份的日期。发行无记名股票的，公司应当记载其股票数量、编号及发行日期。
- 第一百三十二条 国务院可以对公司发行本法规定以外的其他种类的股份，

另行作出规定。

第一百三十三条 股份有限公司成立后，即向股东正式交付股票。公司成立前不得向股东交付股票。

第一百三十四条 公司发行新股，股东大会应当对下列事项作出决议：

- (一) 新股种类及数额；
- (二) 新股发行价格；
- (三) 新股发行的起止日期；
- (四) 向原有股东发行新股的种类及数额。

第一百三十五条 公司经国务院证券监督管理机构核准公开发行新股时，必须公告新股招股说明书和财务会计报告，并制作认股书。

本法第八十八条、第八十九条的规定适用于公司公开发行新股。

第一百三十六条 公司发行新股，可以根据公司经营情况和财务状况，确定其作价方案。

第一百三十七条 公司发行新股募足股款后，必须向公司登记机关办理变更登记，并公告。

第二节 股份转让 第一

百三十八条 股东持有的股份可以依法转让。

第一百三十九条 股东转让其股份，应当在依法设立的证券交易场所进行或者按照国务院规定的其他方式进行。

第一百四十条 记名股票，由股东以背书方式或者法律、行政法规规定的其他方式转让；转让后由公司将受让人的姓名或者名称及住所记载于股东名册。

股东大会召开前二十日内或者公司决定分配股利的基准日前五日内，不得进行前款规定的股东名册的变更登记。但是，法律对上市公司股东名册变更登记另有规定的，从其规定。

第一百四十一条 无记名股票的转让，由股东将该股票交付给受让人后即发生转让的效力。

第一百四十二条 发起人持有的本公司股份，自公司成立之日起一年内不得转让。公司公开发行股份前已发行的股份，自公司股票在证券交易所上市交易之日起一年内不得转让。

公司董事、监事、高级管理人员应当向公司申报所持有的本公司的股份及其变动情况，在任职期间每年转让的股份不得超过其所持有本公司股份总数的百分之二十五；所持本公司股份自公司股票上市交易之日起一年内不得转让。上述人员离职后半年内，不得转让其所持有的本公司股份。公司章程可以对公司董事、监事、高级管理人员转让其所持有的本公司股份作出其他限制性规定。

第一百四十三条 公司不得收购本公司股份。但是，有下列情形之一的除外：

- (一) 减少公司注册资本；
- (二) 与持有本公司股份的其他公司合并；
- (三) 将股份奖励给本公司职工；
- (四) 股东因对股东大会作出的公司合并、分立决议持异议，要求公司收购其股份的。

公司因前款第(一)项至第(三)项的原因收购本公司股份的，应当经股东

大会决议。公司依照前款规定收购本公司股份后，属于第（一）项情形的，应当自收购之日起十日内注销；属于第（二）项、第（四）项情形的，应当在六个月内转让或者注销。

公司依照第一款第（三）项规定收购的本公司股份，不得超过本公司已发行股份总额的百分之五；用于收购的资金应当从公司的税后利润中支出；所收购的股份应当在一年内转让给职工。

公司不得接受本公司的股票作为质押权的标的。

第一百四十四条 记名股票被盗、遗失或者灭失，股东可以依照《中华人民共和国民事诉讼法》规定的公示催告程序，请求人民法院宣告该股票失效。人民法院宣告该股票失效后，股东可以向公司申请补发股票。

第一百四十五条 上市公司的股票，依照有关法律、行政法规及证券交易所交易规则上市交易。

第一百四十六条 上市公司必须依照法律、行政法规的规定，公开其财务状况、经营情况及重大诉讼，在每会计年度内半年公布一次财务会计报告。

第六章 公司董事、监事、高级管理人员的资格和义务 第一百四十

七条 有下列情形之一的，不得担任公司的董事、监事、高级管理人员：

（一）无民事行为能力或者限制民事行为能力；

（二）因贪污、贿赂、侵占财产、挪用财产或者破坏社会主义市场经济秩序，被判处刑罚，执行期满未逾五年，或者因犯罪被剥夺政治权利，执行期满未逾五年；

（三）担任破产清算的公司、企业的董事或者厂长、经理，对该公司、企业的破产负有个人责任的，自该公司、企业破产清算完结之日起未逾三年；

（四）担任因违法被吊销营业执照、责令关闭的公司、企业的法定代表人，并负有个人责任的，自该公司、企业被吊销营业执照之日起未逾三年；

（五）个人所负数额较大的债务到期未清偿。公司违反前款规定选举、委派董事、监事或者聘任高级管理人员的，该选举、委派或者聘任无效。董事、监事、高级管理人员在任职期间出现本条第一款所列情形的，公司应当解除其职务。

第一百四十八条 董事、监事、高级管理人员应当遵守法律、行政法规和公

公司章程，对公司负有忠实义务和勤勉义务。

董事、监事、高级管理人员不得利用职权收受贿赂或者其他非法收入，不得侵占公司的财产。

第一百四十九条 董事、高级管理人员不得有下列行为：

- (一) 挪用公司资金；
 - (二) 将公司资金以其个人名义或者以其他个人名义开立账户存储；
 - (三) 违反公司章程的规定，未经股东会、股东大会或者董事会同意，将公司资金借贷给他人或者以公司财产为他人提供担保；
 - (四) 违反公司章程的规定或者未经股东会、股东大会同意，与本公司订立合同或者进行交易；
 - (五) 未经股东会或者股东大会同意，利用职务便利为自己或者他人谋取属于公司的商业机会，自营或者为他人经营与所任职公司同类的业务；
 - (六) 接受他人与公司交易的佣金归为己有；
 - (七) 擅自披露公司秘密；
 - (八) 违反对公司忠实义务的其他行为。董事、高级管理人员违反前款规定所得的收入应当归公司所有。
- 第一百五十条 董事、监事、高级管理人员执行公司职务时违反法律、行政

法规或者公司章程的规定，给公司造成损失的，应当承担赔偿责任。

第五十一条 股东会或者股东大会要求董事、监事、高级管理人员列席会议的，董事、监事、高级管理人员应当列席并接受股东的质询。董事、高级管理人员应当如实向监事会或者不设监事会的有限责任公司的监事提供有关情况 and 资料，不得妨碍监事会或者监事行使职权。

第一百五十二条 董事、高级管理人员有本法第一百五十条规定的情形的，有限责任公司的股东、股份有限公司连续一百八十日以上单独或者合计持有公司百分之一以上股份的股东，可以书面请求监事会或者不设监事会的有限责任公司的监事向人民法院提起诉讼；监事有本法第一百五十条规定的情形的，前述股东可以书面请求董事会或者不设董事会的有限责任公司的执行董事向人民法院提起诉讼。

监事会、不设监事会的有限责任公司的监事，或者董事会、执行董事收到前款规定的股东书面请求后拒绝提起诉讼，或者自收到请求之日起三十日内未提起诉讼，或者情况紧急、不立即提起诉讼将会使公司利益受到难以弥补的损害的，前款规定的股东有权为了公司的利益以自己的名义直接向人民法院提起诉讼。

他人侵犯公司合法权益，给公司造成损失的，本条第一款规定的股东可以依

照前两款的规定向人民法院提起诉讼。

第一百五十三条 董事、高级管理人员违反法律、行政法规或者公司章程的规定，损害股东利益的，股东可以向人民法院提起诉讼。

第七章 公司债券

第一百五十四条 本法所称公司债券，是指公司依照法定程序发行、约定在一定期限还本付息的有价证券。

公司发行公司债券应当符合《中华人民共和国证券法》规定的发行条件。

第一百五十五条 发行公司债券的申请经国务院授权的部门核准后，应当公告公司债券募集办法。公司债券募集办法中应当载

明下列主要事项：

- (一) 公司名称；
- (二) 债券募集资金的用途；
- (三) 债券总额和债券的票面金额；
- (四) 债券利率的确定方式；
- (五) 还本付息的期限和方式；
- (六) 债券担保情况；
- (七) 债券的发行价格、发行的起止日期；
- (八) 公司净资产额；
- (九) 已发行的尚未到期的公司债券总额；
- (十) 公司债券的承销机构。

第一百五十六条 公司以实物券方式发行公司债券的，必须在债券上载明公司名称、债券票面金额、利率、偿还期限等事项，并由法定代表人签名，公司盖章。

第一百五十七条 公司债券，可以为记名债券，也可以为无记名债券。

第一百五十八条 公司发行公司债券应当置备公司债券存根簿。发行记名公司债券的，应当在公司债券存根簿上载明下列事项：

- (一) 债券持有人的姓名或者名称及住所；
- (二) 债券持有人取得债券的日期及债券的编号；
- (三) 债券总额，债券的票面金额、利率、还本付息的期限和方式；
- (四) 债券的发行日期。发行无记名公司债券的，应当在公司债券存根簿上载明债券总额、利率、偿

还期限和方式、发行日期及债券的编号。

第一百五十九条 记名公司债券的登记结算机构应当建立债券登记、存管、付息、兑付等相关制度。

第一百六十条 公司债券可以转让，转让价格由转让人与受让人约定。公

司债券在证券交易所上市交易的，按照证券交易所的交易规则转让。第

一百六十一条 记名公司债券，由债券持有人以背书方式或者法律、行政法规规定的其他方式转让；转让后由公司受让人的姓名或者名称及住所记载于公司债券存根簿。

无记名公司债券的转让，由债券持有人将该债券交付给受让人后即发生转让的效力。

第一百六十二条 上市公司经股东大会决议可以发行可转换为股票的公司债券，并在公司债券募集办法中规定具体的转换办法。上市公司发行可转换为股票的公司债券，应当报国务院证券监督管理机构核准。

发行可转换为股票的公司债券，应当在债券上标明可转换公司债券字样，并在公司债券存根簿上载明可转换公司债券的数额。

第一百六十三条 发行可转换为股票的公司债券的，公司应当按照其转换办法向债券持有人换发股票，但债券持有人对转换股票或者不转换股票有选择权。

第八章 公司财务、会计

第一百六十四条 公司应当依照法律、行政法规和国务院财政部门的规定建立本公司的财务、会计制度。

第一百六十五条 公司应当在每一会计年度终了时编制财务会计报告，并依法经会计师事务所审计。

财务会计报告应当依照法律、行政法规和国务院财政部门的规定制作。第

一百六十六条 有限责任公司应当依照公司章程规定的期限将财务会计报告送交各股东。股份有限公司的财务会计报告应当在召开股东大会年会的二十日前置备于

本公司，供股东查阅；公开发行股票股份有限公司必须公告其财务会计报告。

第一百六十七条 公司分配当年税后利润时，应当提取利润的百分之十列入公司法定公积金。公司法定公积金累计额为公司注册资本的百分之五十以上的，可以不再提取。公司的法定公积金不足以弥补以前年度亏损的，在依照前款规定提取法定公

积金之前，应当先用当年利润弥补亏损。

公司从税后利润中提取法定公积金后，经股东会或者股东大会决议，还可以从税后利润中提取任意公积金。

公司弥补亏损和提取公积金后所余税后利润，有限责任公司依照本法第三十五条的规定分配；股份有限公司按照股东持有的股份比例分配，但股份有限公司章程规定不按持股比例分配的除外。

股东会、股东大会或者董事会违反前款规定，在公司弥补亏损和提取法定公积金之前向股东分配利润的，股东必须将违反规定分配的利润退还公司。

公司持有的本公司股份不得分配利润。

第一百六十八条 股份有限公司以超过股票票面金额的发行价格发行股份所得的溢价款以及国务院财政部门规定列入资本公积金的其他收入，应当列为公司资本公积金。

第一百六十九条 公司的公积金用于弥补公司的亏损、扩大公司生产经营或者转为增加公司资本。但是，资本公积金不得用于弥补公司的亏损。

法定公积金转为资本时，所留存的该项公积金不得少于转增前公司注册资本的百分之二十五。

第一百七十条 公司聘用、解聘承办公司审计业务的会计师事务所，依照公司章程的规定，由股东会、股东大会或者董事会决定。

公司股东会、股东大会或者董事会就解聘会计师事务所进行表决时，应当允许会计师事务所陈述意见。

第一百七十一条 公司应当向聘用的会计师事务所提供真实、完整的会计凭证、会计账簿、财务会计报告及其他会计资料，不得拒绝、隐匿、谎报。

第一百七十二条 公司除法定的会计账簿外，不得另立会计账簿。

对公司资产，不得以任何个人名义开立账户存储。

第九章 公司合并、分立、增资、减资 第一百

七十三条 公司合并可以采取吸收合并或者新设合并。

一个公司吸收其他公司为吸收合并，被吸收的公司解散。两个以上公司合并设立一个新的公司为新设合并，合并各方解散。

第一百七十四条 公司合并，应当由合并各方签订合并协议，并编制资产负债表及财产清单。公司应当自作出合并决议之日起十日内通知债权人，并于三十日内在报纸上公告。债权人自接到通知书之日起三十日内，未接到通知书的自公

告之日起四十五日内，可以要求公司清偿债务或者提供相应的担保。

第一百七十五条 公司合并时，合并各方的债权、债务，应当由合并后存续的公司或者新设的公司承继。

第一百七十六条 公司分立，其财产作相应的分割。公司分立，应当编制资产负债表及财产清单。公司应当自作出分立决议之日起十日内通知债权人，并于三十日内在报纸上公告。

第一百七十七条 公司分立前的债务由分立后的公司承担连带责任。但是，公司在分立前与债权人就债务清偿达成的书面协议另有约定的除外。

第一百七十八条 公司需要减少注册资本时，必须编制资产负债表及财产清单。

公司应当自作出减少注册资本决议之日起十日内通知债权人，并于三十日内在报纸上公告。债权人自接到通知书之日起三十日内，未接到通知书的自公告之日起四十五日内，有权要求公司清偿债务或者提供相应的担保。

公司减资后的注册资本不得低于法定的最低限额。

第一百七十九条 有限责任公司增加注册资本时，股东认缴新增资本的出资，依照本法设立有限责任公司缴纳出资的有关规定执行。

股份有限公司为增加注册资本发行新股时，股东认购新股，依照本法设立股份有限公司缴纳股款的有关规定执行。

第一百八十条 公司合并或者分立，登记事项发生变更的，应当依法向公司登记机关办理变更登记；公司解散的，应当依法办理公司注销登记；设立新公司的，应当依法办理公司设立登记。

公司增加或者减少注册资本，应当依法向公司登记机关办理变更登记。

第十章 公司解散和清算

第一百八十一条 公司因下列原因解散：

- (一) 公司章程规定的营业期限届满或者公司章程规定的其他解散事由出现；
- (二) 股东会或者股东大会决议解散；
- (三) 因公司合并或者分立需要解散；
- (四) 依法被吊销营业执照、责令关闭或者被撤销；
- (五) 人民法院依照本法第一百八十三条的规定予以解散。

第一百八十二条 公司有本法第一百八十一条第(一)项情形的，可以通过修改公司章程而存续。

依照前款规定修改公司章程，有限责任公司须经持有三分之二以上表决权的股东通过，股份有限公司须经出席股东大会会议的股东所持表决权的三分之二以上通过。

第一百八十三条 公司经营管理发生严重困难，继续存续会使股东利益受到重大损失，通过其他途径不能解决的，持有公司全部股东表决权百分之十以上的股东，可以请求人民法院解散公司。

第一百八十四条 公司因本法第一百八十一条第（一）项、第（二）项、第（四）项、第（五）项规定而解散的，应当在解散事由出现之日起十五日内成立清算组，开始清算。有限责任公司的清算组由股东组成，股份有限公司的清算组由董事或者股东大会确定的人员组成。逾期不成立清算组进行清算的，债权人可以申请人民法院指定有关人员组成清算组进行清算。人民法院应当受理该申请，并及时组织清算组进行清算。

第一百八十五条 清算组在清算期间行使下列职权：

- （一）清理公司财产，分别编制资产负债表和财产清单；
- （二）通知、公告债权人；
- （三）处理与清算有关的公司未了结的业务；
- （四）清缴所欠税款以及清算过程中产生的税款；
- （五）清理债权、债务；
- （六）处理公司清偿债务后的剩余财产；
- （七）代表公司参与民事诉讼活动。

第一百八十六条 清算组应当自成立之日起十日内通知债权人，并于六十日内在报纸上公告。债权人应当自接到通知书之日起三十日内，未接到通知书的自公告之日起四十五日内，向清算组申报其债权。

债权人申报债权，应当说明债权的有关事项，并提供证明材料。清算组应当对债权进行登记。

在申报债权期间，清算组不得对债权人进行清偿。

第一百八十七条 清算组在清理公司财产、编制资产负债表和财产清单后，应当制定清算方案，并报股东会、股东大会或者人民法院确认。

公司财产在分别支付清算费用、职工的工资、社会保险费用和法定补偿金，缴纳所欠税款，清偿公司债务后的剩余财产，有限责任公司按照股东的出资比例分配，股份有限公司按照股东持有的股份比例分配。

清算期间，公司存续，但不得开展与清算无关的经营活动。公司财产在未依照前款规定清偿前，不得分配给股东。

第一百八十八条 清算组在清理公司财产、编制资产负债表和财产清单后，发现公司财产不足清偿债务的，应当依法向人民法院申请宣告破产。公司经人民法院裁定宣告破产后，清算组应当将清算事务移交给人民法院。第一百八十九条 公司清算结束后，清算组应当制作清算报告，报股东会、股东大会或者人民法院确认，并报送公司登记机关，申请注销公司登记，公告公司终止。

第一百九十条 清算组成员应当忠于职守，依法履行清算义务。清算组成员不得利用职权收受贿赂或者其他非法收入，不得侵占公司财产。清算组成员因故意或者重大过失给公司或者债权人造成损失的，应当承担赔偿责任。

第一百九十一条 公司被依法宣告破产的，依照有关企业破产的法律实施破产清算。

第十一章 外国公司的分支机构

第一百九十二条 本法所称外国公司是指依照外国法律在中国境外设立的公司。

第一百九十三条 外国公司在中国境内设立分支机构，必须向中国主管机关提出申请，并提交其公司章程、所属国的公司登记证书等有关文件，经批准后，向公司登记机关依法办理登记，领取营业执照。

外国公司分支机构的审批办法由国务院另行规定。

第一百九十四条 外国公司在中国境内设立分支机构，必须在中国境内指定负责该分支机构的代表人或者代理人，并向该分支机构拨付与其所从事的经营活动相适应的资金。

对外国公司分支机构的经营资金需要规定最低限额的，由国务院另行规定。

第一百九十五条 外国公司的分支机构应当在其名称中标明该外国公司的国籍及责任形式。外国公司的分支机构应当在本机构中置备该外国公司章程。

第一百九十六条 外国公司在中国境内设立的分支机构不具有中国法人资格。

外国公司对其分支机构在中国境内进行经营活动承担民事责任。第一百九十七条 经批准设立的外国公司分支机构，在中国境内从事业务活动，必须遵守中国的法律，不得损害中国的社会公共利益，其合法权益受中国法

律保护。

第一百九十八条 外国公司撤销其在中国境内的分支机构时，必须依法清偿债务，依照本法有关公司清算程序的规定进行清算。未清偿债务之前，不得将其分支机构的财产移至中国境外。

第十二章 法律责任

第一百九十九条 违反本法规定，虚报注册资本、提交虚假材料或者采取其他欺诈手段隐瞒重要事实取得公司登记的，由公司登记机关责令改正，对虚报注册资本的公司，处以虚报注册资本金额百分之五以上百分之十五以下的罚款；对提交虚假材料或者采取其他欺诈手段隐瞒重要事实的公司，处以五万元以上五十万元以下的罚款；情节严重的，撤销公司登记或者吊销营业执照。

第二百条 公司的发起人、股东虚假出资，未交付或者未按期交付作为出资的货币或者非货币财产的，由公司登记机关责令改正，处以虚假出资金额百分之五以上百分之十五以下的罚款。

第二百零一条 公司的发起人、股东在公司成立后，抽逃其出资的，由公司登记机关责令改正，处以所抽逃出资金额百分之五以上百分之十五以下的罚款。

第二百零二条 公司违反本法规定，在法定的会计账簿以外另立会计账簿的，由县级以上人民政府财政部门责令改正，处以五万元以上五十万元以下的罚款。

第二百零三条 公司在依法向有关主管部门提供的财务会计报告等材料上作虚假记载或者隐瞒重要事实的，由有关主管部门对直接负责的主管人员和其他直接责任人员处以三万元以上三十万元以下的罚款。

第二百零四条 公司不依照本法规定提取法定公积金的，由县级以上人民政府财政部门责令如数补足应当提取的金额，可以对公司处以二十万元以下的罚款。

第二百零五条 公司在合并、分立、减少注册资本或者进行清算时，不依照本法规定通知或者公告债权人的，由公司登记机关责令改正，对公司处以一万元以上十万元以下的罚款。

公司在进行清算时，隐匿财产，对资产负债表或者财产清单作虚假记载或者在未清偿债务前分配公司财产的，由公司登记机关责令改正，对公司处以隐匿财产或者未清偿债务前分配公司财产金额百分之五以上百分之十以下的罚款；对直接负责的主管人员和其他直接责任人员处以一万元以上十万元以下的罚款。

第二百零六条 公司在清算期间开展与清算无关的经营活动的，由公司登记机关予以警告，没收违法所得。

第二百零七条 清算组不依照本法规定向公司登记机关报送清算报告，或者报送清算报告隐瞒重要事实或者有重大遗漏的，由公司登记机关责令改正。

清算组成员利用职权徇私舞弊、谋取非法收入或者侵占公司财产的，由公司登记机关责令退还公司财产，没收违法所得，并可以处以违法所得一倍以上五倍以下的罚款。

第二百零八条 承担资产评估、验资或者验证的机构提供虚假材料的，由公司登记机关没收违法所得，处以违法所得一倍以上五倍以下的罚款，并可以由有关主管部门依法责令该机构停业、吊销直接责任人员的资格证书，吊销营业执照。

承担资产评估、验资或者验证的机构因过失提供有重大遗漏的报告的，由公司登记机关责令改正，情节较重的，处以所得收入一倍以上五倍以下的罚款，并可以由有关主管部门依法责令该机构停业、吊销直接责任人员的资格证书，吊销营业执照。

承担资产评估、验资或者验证的机构因其出具的评估结果、验资或者验证证明不实，给公司债权人造成损失的，除能够证明自己没有过错的外，在其评估或者证明不实的金额范围内承担赔偿责任。

第二百零九条 公司登记机关对不符合本法规定条件的登记申请予以登记，或者对符合本法规定条件的登记申请不予登记的，对直接负责的主管人员和其他直接责任人员，依法给予行政处分。

第二百一十条 公司登记机关的上级部门强令公司登记机关对不符合本法规定条件的登记申请予以登记，或者对符合本法规定条件的登记申请不予登记的，或者对违法登记进行包庇的，对直接负责的主管人员和其他直接责任人员依法给予行政处分。

第二百一十一条 未依法登记为有限责任公司或者股份有限公司，而冒用有限责任公司或者股份有限公司名义的，或者未依法登记为有限责任公司或者股份有限公司的分公司，而冒用有限责任公司或者股份有限公司的分公司名义的，由公司登记机关责令改正或者予以取缔，可以并处十万元以下的罚款。

第二百一十二条 公司成立后无正当理由超过六个月未开业的，或者开业后自行停业连续六个月以上的，可以由公司登记机关吊销营业执照。

公司登记事项发生变更时，未依照本法规定办理有关变更登记的，由公司登记机关责令限期登记；逾期不登记的，处以一万元以上十万元以下的罚款。

第二百一十三条 外国公司违反本法规定，擅自在中国境内设立分支机构

的，由公司登记机关责令改正或者关闭，可以并处五万元以上二十万元以下的罚款。

第二百一十四条 利用公司名义从事危害国家安全、社会公共利益的严重违法行为的，吊销营业执照。

第二百一十五条 公司违反本法规定，应当承担民事赔偿责任和缴纳罚款、罚金的，其财产不足以支付时，先承担民事赔偿责任。

第二百一十六条 违反本法规定，构成犯罪的，依法追究刑事责任。

第十三章 附 则

第二百一十七条 本法下列用语的含义：

（一）高级管理人员，是指公司的经理、副经理、财务负责人，上市公司董事会秘书和公司章程规定的其他人员。

（二）控股股东，是指其出资额占有限责任公司资本总额百分之五十以上或者其持有的股份占股份有限公司股本总额百分之五十以上的股东；出资额或者持有股份的比例虽然不足百分之五十，但依其出资额或者持有的股份所享有的表决权已足以对股东会、股东大会的决议产生重大影响的股东。

（三）实际控制人，是指虽不是公司的股东，但通过投资关系、协议或者其他安排，能够实际支配公司行为的人。

（四）关联关系，是指公司控股股东、实际控制人、董事、监事、高级管理人员与其直接或者间接控制的企业之间的关系，以及可能导致公司利益转移的其他关系。但是，国家控股的企业之间不仅因为同受国家控股而具有关联关系。

第二百一十八条 外商投资的有限责任公司和股份有限公司适用本法；有关外商投资的法律另有规定的，适用其规定。

第二百一十九条 本法自 2006 年 1 月 1 日起施行。

**Rules for the Implementation of the Law of the People's Republic of China on
Foreign-funded Enterprises**

Promulgation date: 04-12-2001 Department: State Council
Effective date: 04-12-2001 Subject: Foreign-funded Enterprises

Order of the State Council of the People's Republic of China (No.301)

The Decision of the State Council Regarding the Revision of Rules for the Implementation of the Law of the People's Republic of China on Foreign-funded enterprises is now promulgated, and shall come into force as of the date of promulgation.

Premier Zhu Rongji

April 12, 2001

Rules for the Implementation of the Law of the People's Republic of China on Foreign-funded Enterprises

(Revised according to the Decision of the State Council Regarding the Revision of Rules for the Implementation of the Law of the People's Republic of China on Foreign-funded enterprises on April 12, 2001, approved on October 28, 1990 by the State Council, issued on December 12, 1990 by the Ministry of Foreign Economic Relations and Trade)

Chapter I General Provisions

Article 1 These Rules are formulated according to the Law of the People's Republic of China on Foreign-funded enterprises.

Article 2 Foreign-funded enterprises shall be subject to and under the protection of Chinese Law.

Foreign-funded enterprises engaging in business in the People's Republic of China must abide by Chinese laws and regulations and must not harm the social and public interests of China.

Article 3 A foreign-funded enterprise to be established must benefit the development of China's national economy and be capable of gaining remarkable economic results. The state encourages foreign-funded enterprises to use advanced technology and equipment, engage in the development of new products, realize the upgrading of products and the replacement of old products with new ones, economize energy and raw materials, and it is also encouraged to establish foreign-funded enterprises which are export oriented.

Article 4 Trades in which the establishment of foreign-funded enterprises is forbidden or restricted shall be determined and established according to the provisions regarding state guidance for foreign investment orientation and guiding catalogue of industries for foreign investment.

Article 5 No application for the establishment of a foreign-funded enterprise shall be approved if the proposed enterprise is under any of the following circumstances:

- (1) injuring China's sovereignty or social and public interests;
- (2) endangering China's national security;
- (3) in violation of Chinese laws and regulations;
- (4) not in keeping with the requirements of China's national economic development;
- (5) may result in environmental pollution.

Article 6 A foreign-funded enterprise shall, within the approved scope of business, have its autonomy in operation and management, and be free from any interference.

Chapter II Establishment Procedures

Article 7 The application for the establishment of a foreign-funded enterprise shall be subject to the examination and approval by the Ministry of Foreign Trade and Economic Cooperation of the People's Republic of China (hereinafter referred to as the MFTEC), which shall issue a certificate of approval to those approved.

If any applications for the establishment of a foreign-funded enterprise is under any one of the following circumstances, the State Council shall authorize the people's government of the relevant province, autonomous region, municipality directly under the Central Government, city directly under State planning or special economic zone to conduct the examination and approval and issue a certificate of approval to those approved:

- (1) the total amount of investment is within the limits of power for the examination and approval of investment stipulated by the State Council;
- (2) the enterprise shall not need any raw materials to be allocated by the state, and not influence unfavorably the national comprehensive balance of energy resources, communications and transportation and export quotas for foreign trade.

The people's government of the relevant province, autonomous region, municipality directly under the Central Government, city directly under State planning or special economic zone that has, within the authorization by the State Council, approved any application for the establishment of a foreign-funded enterprise shall, within 15 days since the approval has been issued, report to the MFTEC for record (hereinafter the Ministry of Foreign Trade and Economic Cooperation and the people's government of the relevant province, autonomous region, municipality directly under the Central Government, city directly under State planning and special economic zone shall be, in

general, referred to as the examining and approving authority).

Article 8 With regard to any foreign-funded enterprise that applies for establishment, if its products shall involve export license, export quota, import license or the import of which is restricted by the state, a prior consent shall be obtained from the competent authority of foreign economic relations and trade in accordance with the relevant administrative power.

Article 9 Before submitting any application for the establishment of a foreign-funded enterprise, the foreign investor shall submit to the local people's government at or above the county level at the place where the foreign-funded enterprise is to be established a report regarding matters such as the purpose of the enterprise, its scope and scale of business, products, technology and equipment, land area to be needed and related requirements, conditions and quantities of water, electricity, coal, coal gas or other energy resources required, and requirements to public facilities.

The relevant local people's government at or above the county level shall, within 30 days from the date of receiving the report submitted by the foreign investor, give him a reply in writing.

Article 10 Any foreign investor who wishes to establish a foreign-funded enterprise shall submit an application to the examining and approving authority through the relevant local people's government at or above the county level at the place where the foreign-funded enterprise is to be established, together with the following documents:

- (1) a written application for the establishment of the foreign-capital enterprise;
- (2) a feasibility study report;
- (3) the articles of association of the foreign-funded enterprise;
- (4) a list of legal representative (candidates for the future board of directors) of the foreign-funded enterprise;
- (5) the legal documentation and credit certificate of the foreign investor;
- (6) the written reply given by the relevant local people's government at or above the county level at the place where the foreign-funded enterprise is to be established;
- (7) an inventory of goods and materials that shall be imported;
- (8) other documents as may be required.

Documents of (1) and (3) of the preceding paragraph must be prepared in Chinese, while those of (2), (4) and (5) of the same paragraph may be written in a foreign language but the corresponding Chinese translations should be attached.

If two or more foreign investors jointly apply for the establishment of a foreign-funded enterprise, they shall submit a copy of the contract between them two to the examining and approving authority for record.

Article 11 The examining and approving authority shall, within 90 days from the date of receiving all the documents required for the application for the establishment of a foreign-funded enterprise, make a decision on whether to approve or disapprove the application. When finding that the documents mentioned above are not complete or that some of them are inappropriate, the examining and approving authority may demand supplementation and corrections to be made within a prescribed time limit.

Article 12 The foreign investor shall, within 30 days from the date of receiving the approval certificate issued by the examining and approving authority, apply for registration with and obtain business license from the administrative department for industry and commerce. The date of issue of the business license of the foreign-funded enterprise shall be the date of its establishment.

If the foreign investor fails to apply to the administrative department for industry and commerce for registration within 30 days from the date of receiving the approval certificate for the establishment of the foreign-funded enterprise, the approval certificate shall become invalid automatically.

The foreign-funded enterprise shall, within 30 days from the date of establishment, conduct taxation registration with the tax authorities.

Article 13 Any foreign investor may appoint a Chinese service agency for foreign-funded enterprises or any other economic organization to handle the affairs stipulated in Article 8, in the first paragraph of Article 9 and Article 10 of these Rules, provided that a contract of entrustment shall be concluded between them.

Article 14 A written application for the establishment of a foreign-funded enterprise shall contain:

- (1) the name, domicile, place of registration of the foreign investor, and the name, nationality and position of its legal representative;
- (2) the name and domicile of the foreign-funded enterprise that is to be established;
- (3) the scope of business, products and production scale;
- (4) the total amount of investment, registered capital, source of funds, form of investment and duration of the foreign-funded enterprise;
- (5) the form of organization, internal departments and legal representative of the foreign-funded enterprise;

(6) the primary production equipment to be used and the degrees of depreciation thereof, production technology and the level thereof, as well as the sources of all of them;

(7) sales orientation and territories, as well as sales channels and methods, of the products;

(8) arrangements for the revenues and expenditures of foreign exchange;

(9) relevant establishments of the internal departments and sizes of the personnel thereof, arrangements for matters such as the recruitment, training, salaries and wages, welfare, insurance and labor protection of and for workers and staff members;

(10) the degrees of possible environmental pollution and measures for solving this problem;

(11) the site of the enterprise and the area thereof;

(12) funds, energy, raw materials to be needed in capital construction and in production and operations, and the solutions thereof;

(13) schedule of the project;

(14) duration of the foreign-funded enterprise that is to be established.

Article 15 The articles of association of a foreign-funded enterprise shall contain:

(1) the name and domicile;

(2) the aim and scope of business;

(3) the total amount of investment, registered capital, the amount of subscribed capital, the method of investment, and the time limit for capital subscription-making investment;

(4) the form of organization;

(5) the establishments of the internal departments and their functions and powers and rules of procedures, duties and power limits of the legal representative and of other persons such as the general manager, chief engineer and chief accountant;

(6) the principles and system of financial affairs, accounting and auditing;

(7) labor management;

(8) the operating period, termination and liquidation of the enterprise;

(9) procedures for amending the articles of association.

Article 16 The articles of association of a foreign-funded enterprise shall become effective upon the approval by the examining and approving authority. The same procedure shall apply whenever any amendment thereto is made.

Article 17 Any division or merger of foreign-funded enterprises or any of their significant changes in capital resulting from any other causes shall be subject to the approval by the examining and approving authority, and for which changes, the relevant enterprises shall engage a Chinese certified public accountant to make verification and render a capital verification report; upon approval by the examining and approving authority, the enterprises shall go through the procedures for the change of registration with the administrative department for industry and commerce.

Chapter III Form of Organization and Registered Capital

Article 18 The form of organization of a foreign-funded enterprise shall be a limited liability company. Other liability forms may be adopted by approval.

In case of a limited liability company, the foreign investor shall be liable for the enterprise to the extent of what he has contributed for the capital.

In case of any other liability form, the foreign investor shall be liable for the enterprise according to Chinese laws and regulations.

Article 19 The total amount of investment of a foreign-funded enterprise refers to the total amount of funds required for opening the foreign-funded enterprise, i.e. the sum total of the funds invested in capital construction in accordance with the production scale and the circulating funds for production.

Article 20 The registered capital of a foreign-funded enterprise refers to the total amount of capital registered with the administrative department for industry and commerce for the purpose of establishing the foreign-funded enterprise, i.e. the total amount of investment that the foreign investor undertakes to contribute.

~~The amount of registered capital of a foreign-funded enterprise must be in keeping with the enterprise's operation scale, and the~~ The ratio between the registered capital and the total amount of investment of a foreign-funded enterprise shall conform to the relevant Chinese provisions.

Article 21 In its operating period, no foreign-funded enterprise may reduce their registered capital. If however, it is really needed to make such reduction due to some changes such as those in the total amount of investment or production scale, it may be reduced upon the approval by the examining and approving authority.

Article 22 Any increase or assignment of the registered capital of a foreign-funded enterprise shall

be subject to the approval by the examining and approving authority, and then the enterprise shall go through the procedures for change of registration with the administrative department for industry and commerce.

Article 23 Where any foreign-funded enterprise intends to mortgage or assign its assets or right and interests to a third party, the case shall be submitted to the examining and approving authority for approval, and then to the administrative department for industry and commerce for record.

Article 24 The legal representative of a foreign-funded enterprise is the person-in-charge who, in accordance with the enterprise's articles of association, executes his/her functions and powers on behalf of the enterprise.

If the legal representative is unable to execute his/her functions and powers, he/she shall entrust in writing an agent with the execution of his/her functions and powers.

Chapter IV Form of Investments and Time Limit for Contributing Investments

Article 25 The foreign investors may make their investments with convertible foreign currencies, or with machinery and equipment, with industry property rights and proprietary technology by appraising the values of them.

Upon the approval by the examining and approving authority, the foreign investors may also make their investments with their profits in Renminbi from any other enterprises established in China with their investments.

Article 26 Machinery and equipment to be contributed by the foreign investor as investment must be those needed for the production of the foreign-funded enterprise.

The appraised value of the machinery and equipment may not be higher than the normal price of machinery and equipment of the same kind in international market at that time.

An inventory must be made for all the machinery and equipment to be contributed as investment, it shall include the name, type, quantity and appraised value of the machinery and equipment, and shall be submitted to the examining and approving authority together with the application for the establishment of the foreign-funded enterprise as an attachment to the application.

Article 27 The industry property rights and proprietary technology to be contributed as investment by the foreign investor must be owned by the foreign investor.

~~Such industrial property rights and proprietary technology must be appraised in accordance with the relevant international rules, and the value amount of them may not exceed 20% of the registered capital of the foreign funded enterprise.~~

Detailed information must be prepared for the industrial property rights and proprietary

technology appraised to be contributed as investment, including the copy of certificate of the title, validity of the title, and their technical performance, practical value, and the basis and standard on and according to which the value has been appraised, and it shall be submitted to the examining and approving authority together with the application for the establishment of the foreign-funded enterprise as an attachment to the application.

Article 28 Upon arrival at any port of China of the machinery and equipment contributed as investment, the foreign-funded enterprise shall apply for inspection to China's commodity inspection authority, which shall render an inspection report.

Where the machinery and equipment contributed as investment are inconsistent with those listed in the inventory submitted by the foreign investor to the examining and approving authority in type, quality or quantity, the examining and approving authority may demand corrections by the foreign investor within a prescribed time limit.

Article 29 After the industrial property rights and proprietary technology appraised have been put to use, the examining and approving authority shall have the power to inspect them, and demand corrections by the foreign investor, within a prescribed time limit, if they are inconsistent with the industrial property rights and proprietary technology prescribed in the information submitted by the foreign investor.

Article 30 The time limit for the foreign investor to make his investment contributions must be clearly indicated in both the application for the establishment of the foreign-funded enterprise and the enterprise's articles of association. ~~The foreign investor may contribute the investment in installments, provided that the last installment shall be made within three years from the date of issue of the business license. The first installment may not be less than 15% of the total amount to be contributed by the foreign investor, and shall be made within 90 days from the date of issue of the business license of the foreign-funded enterprise.~~

~~If the foreign investor fails to make the first installment within the time limit prescribed in the preceding paragraph, the approval certificate for the foreign-funded enterprise shall become invalid automatically, and the foreign-funded enterprise shall go through the procedures for cancellation of registration and hand in the business license for cancellation with the administrative department for industry and commerce or, if the foreign-funded enterprise fails to go through the procedures for cancellation of registration and fails to hand in the business license for cancellation, the administrative department for industry and commerce shall revoke the business license and make an announcement to the public.~~

Article 31 The installments other than the first one shall be made by the foreign investor within each prescribed time limit.

~~If an installment has not been made 30 days after the time limit, the second paragraph of the Article 30 shall apply.~~

~~If the foreign investor has any reasonable ground for the extension of time for making an installment, he should get the approval by the examining and approving authority and the extension of time shall be submitted to the administrative department for industry and commerce for record.~~

~~Article 32 For each installment made by the foreign investor, the foreign funded enterprise shall engage a Chinese certified public accountant to make verification and render a capital verification report, which shall be submitted to the examining and approving authority and the administrative department for industry and commerce for record.~~

Chapter V Use of Land and the Land Use Fee

Article 33 The local people's government at or above the county level at the place where the foreign-funded enterprise is to be established shall make arrangements for the land to be used by the foreign-funded enterprise after examination and verification in the light of the local conditions.

Article 34 The foreign-funded enterprise shall, within 30 days from the date of issue of its business license, go through the procedures for use of land with and obtain land certificate from the department of land administration of the people's government at or above the county level at the place where the foreign-funded enterprise is to be established, by presenting the approval certificate and business license.

Article 35 The land certificate shall be a legal certificate by which the foreign-funded enterprise may use a certain piece of land. In its operating period, no foreign-funded enterprise may assign its right to use land without authorization.

Article 36 For obtaining land certificate, the foreign-funded enterprise must pay land use fee to the department of land administration at the place where the enterprise is to be established.

Article 37 For using developed land, the foreign-funded enterprise must pay land development fee.

The land development fee mentioned in the preceding paragraph includes the expenses for requisition of the land, and expenses for demolition and resettlement allowances, as well as expenses for the construction of infrastructure needed by the foreign-funded enterprise. The land development fee may be calculated and collected by the land development enterprise once for all or in yearly installments.

Article 38 Where a piece of land not yet developed is to be used, the foreign-funded enterprise may either develop the land by itself or entrust a relevant Chinese enterprise to develop the land. The people's government at or above the county level at the place where the foreign-funded enterprise is to be established shall make overall arrangements for the construction of infrastructure.

Article 39 The standards for calculating and collecting the land use fee and land development fee paid by foreign-funded enterprises shall abide by the relevant provisions of China.

Article 40 The term for land use by the foreign-funded enterprise shall be the same as the approved operating period of this enterprise.

Article 41 In addition to the present Chapter, a foreign-funded enterprise may obtain the right to use land in accordance with other regulations in China.

Chapter VI Purchasing and Marketing

Article 42 Any foreign-funded enterprise may make decisions by itself on the purchase, for its own use, of machinery and equipment, raw materials, fuels, parts and components, auxiliary equipment, primary parts, means of transportation, office appliance (hereinafter referred to as goods and materials in general).

When purchasing goods and materials in China, any foreign-funded enterprise shall enjoy the same treatment as that enjoyed by Chinese enterprises under the same conditions.

Article 43 Any foreign-funded enterprise may sell its products in Chinese market. The state encourages all foreign-funded enterprises to export their products.

Article 44 Any foreign-funded enterprise may export their products either by themselves or by entrusting a Chinese foreign trade company or a company outside China with the sale of their products.

A foreign-funded enterprise may sell their products in China either by themselves or by entrusting any commercial organization with the sale of their products.

Article 45 Where any machinery and equipment contributed by a foreign investor as his investment is subject to import license according to the Chinese provisions, the relevant foreign-funded enterprise shall, by presenting the relevant approved inventory of equipment and goods and materials to be imported, apply for import license to the license issuing authority either directly or through an agency.

The foreign-funded enterprise shall prepare their annual import plans for goods and materials that are to be imported for their own use and necessary to their production within the approved scope of business, and apply for the import license to the license issuing authority every six months, if the import of goods and materials is subject to import license according to the Chinese provisions.

The foreign-funded enterprise shall prepare their annual export plans for products that are to be exported, and apply for the export license to the license issuing authority every six months, if the export of products is subject to export license according to the Chinese provisions.

Article 46 The price of goods and materials and any technical service imported by the foreign-funded enterprise shall not be higher than the normal price for goods and materials and technical services of the same kind in international market at that time. The price for the export products of a foreign-funded enterprise shall be determined by the enterprise itself in the light of the relevant prices in international market at that time, provided that they shall not be lower than reasonable export prices. If any enterprise evades taxes by importing products at a high price or exporting products at a low price, the legal responsibility of the relevant enterprise shall be investigated according to tax law by the tax authority.

Article 47 Any foreign-funded enterprise shall provide statistical data and submit statistical statements to the departments concerned in accordance with the provisions of the Statistics Law of the People's Republic of China and the relevant provisions of China concerning the statistical system for the utilization of foreign capital.

Chapter VII Taxation

Article 48 Any foreign-funded enterprise shall pay taxes in accordance with Chinese laws and regulations.

Article 49 Workers and staff members of a foreign-funded enterprise shall pay individual income tax in accordance with Chinese laws and regulations.

Article 50 Taxes on the following goods and materials imported by a foreign-funded enterprise shall be exempted or reduced in accordance with Chinese tax law:

- (1) machinery and equipment, parts and components, materials for construction, and materials needed for installing and fixing the machinery, which are contributed as investment by the foreign investor;
- (2) machinery and equipment, parts and components, means of transportation for production, and production management equipment, which are imported, for their own use in production, by the foreign-funded enterprise with funds within its total amount of investment;
- (3) raw materials, auxiliary materials, primary parts, parts and components and packing materials imported by the foreign-funded enterprise for producing export products.

Where any goods and materials imported as mentioned in the preceding paragraph are, upon approval, resold in the territory of China or used for producing products to be sold in China, the relevant foreign-funded enterprise shall, in accordance with Chinese tax law, pay the taxes that were exempted or reduced.

Article 51 The export commodities produced by the foreign-funded enterprises may enjoy tax reduction, exemption or refund according to the relevant provisions of Chinese tax law, except those whose export is restricted by China.

Chapter VIII Foreign Exchange Control

Article 52 Foreign exchange affairs of a foreign-funded enterprise shall be handled in accordance with Chinese regulations concerning foreign exchange control.

Article 53 A foreign-funded enterprise shall, on the strength of the business license issued by the administrative department for industry and commerce, open an account at a bank in China that may handle foreign exchange business, which shall supervise the foreign exchange receipts and payments by the foreign-funded enterprise.

The foreign exchange revenues of the foreign-funded enterprise shall be deposited to its account and the foreign exchange expenditures of the enterprise shall be made from its foreign exchange account.

Article 54 Where any foreign exchange account is to be opened at a bank outside China as required by its production and operation, the foreign-funded enterprise shall submit the case to the Chinese administrative department for foreign exchange control for approval and, according to the provisions of the latter, make regular reports on its receipts and payments of foreign exchange, and provide bank statements.

Article 55 Wages and salaries as well as any other legitimate income in foreign exchange of foreign workers and staff members, or of the workers and staff members from Hong Kong, Macao or Taiwan, of a foreign-funded enterprise may be remitted outside China freely after the income tax is paid according to Chinese tax law.

Chapter IX Financial Management and Accounting

Article 56 A foreign-funded enterprise shall, in accordance with Chinese laws and regulations and provisions of the financial authority, set up its own financial and accounting systems and submit them to the local financial and tax authorities for record.

Article 57 A fiscal year of any foreign-funded enterprise shall begin from January 1 and end on December 31 of Gregorian calendar.

Article 58 A foreign-funded enterprise shall retain certain amount from its profits after the income tax has been paid in accordance with Chinese tax law as reserve funds, bonus and welfare funds for workers and staff members. The amount retained for the reserve funds shall not be less than 10% of the profits (profits after the income tax has been paid), the withdrawal may stop when the accumulated amount withdrawn has been up to 50% of the registered capital of the enterprise. The amount retained for bonus and welfare funds for workers and staff members shall be determined by the foreign-funded enterprise itself.

No foreign-funded enterprise may distribute its profits unless and until its deficits of previous

fiscal years have been made up; undistributed profits of the previous fiscal years may be distributed together with the distributable profits of the current fiscal year.

Article 59 Accounting vouchers, account books and accounting statements made by a foreign-funded enterprise shall be prepared in Chinese; if they are written in any foreign language, notes in Chinese are required.

Article 60 A foreign-funded enterprise shall conduct their business accounting independently.

A foreign-funded enterprise shall prepare annual accounting statements and liquidation accounting statements in accordance with the provisions of Chinese financial and tax authorities. If an accounting statement is prepared in a foreign currency, a corresponding accounting statement in which the foreign currency is converted into Renminbi shall be prepared at the same time.

A foreign-funded enterprise shall engage Chinese certified public accountants to verify its annual accounting statements and liquidation accounting statements, and render verification reports accordingly.

The annual accounting statements and liquidation accounting statements of a foreign-funded enterprise, stipulated in the second and third paragraphs, as well as the relevant verification reports rendered by Chinese certified public accountants, shall be submitted within the prescribed time limit to the financial and tax authorities, and to the examining and approving authority and the administrative department for industry and commerce for record.

Article 61 Any foreign investor may engage Chinese or foreign accountants to audit the account books of the relevant foreign-funded enterprise, and shall bear the expenses.

Article 62 A foreign-funded enterprise shall submit their annual statements of assets and liabilities and annual profit and loss statements to the financial and tax authorities, and to the examining and approving authority and the administrative department for industry and commerce for record.

Article 63 The foreign-funded enterprise shall set up account books at the place where it is located, and shall be subject to the supervision by the financial and tax authorities.

If there is any violation of the preceding paragraph, the financial and tax authorities may impose a fine, and the administrative department for industry and commerce may order a suspension of business or revoke the business license, on or of the violating foreign-funded enterprise.

Chapter X Workers and Staff Members

Article 64 The foreign-funded enterprise employing workers and staff members from China shall conclude labor contracts with the workers and staff members employed in accordance with Chinese laws and regulations. The contract shall contain such matters as employment, dismissal, remuneration, welfare, labor protection and labor insurance.

No foreign-funded enterprise may employ child laborers.

Article 65 A foreign-funded enterprise shall be responsible for the vocational and technical training of its workers and staff members, set up checking and appraisal system, and make the workers and staff members capable of meeting the needs of the production and development of the enterprise.

Chapter XI Trade Union

Article 66 Workers and staff members of any foreign-funded enterprise shall be entitled to set up grass-roots trade union organizations and carry out trade union activities in accordance with the Trade Union Law of the People's Republic of China.

Article 67 The trade union in a foreign-funded enterprise, represents the interests of the relevant workers and staff members, and shall have the right to conclude labor contracts, on behalf of the workers and staff members, with the enterprise, and shall supervise the execution of such labor contracts.

Article 68 The basic tasks of the trade union in a foreign-funded enterprise shall be: to safeguard lawful rights and interests of the workers and staff members in accordance with the provisions of Chinese laws and regulations, and to assist the enterprise in making proper arrangements for and use of the welfare and bonus funds for worker and staff members; to organize for the workers and staff members political study, and study of scientific, technical and professional knowledge, and to carry out recreational and sports activities; to educate the workers and staff members to observe labor disciplines and strive to fulfill the economic tasks of the enterprise.

The representative of trade union in a foreign-funded enterprise shall have the right to attend, as an observer, meetings held to discuss and decide matters regarding rewards and punishment to workers and staff members, salary and wage system, welfare, labor protection and labor insurance, etc. The foreign-funded enterprise shall heed the opinions of the trade union, and win the cooperation thereof.

Article 69 The foreign-funded enterprise shall give an active support to the work of the trade union, and in accordance with the provisions of the Trade Union Law of the People's Republic of China, provide the trade union organization with housing and facilities necessary for office use, meeting, and carrying out collective undertakings of welfare, culture and sports for the workers and staff members. The foreign-funded enterprise shall, at a monthly basis, appropriate a sum of 2% of the actual total amount of wages and salaries of the workers and staff members, as funds of the trade union, which shall be used by the trade union in accordance with the relevant measures of All-China Federation of Trade Unions for the management of funds of trade unions.

Chapter XII Duration (Operating Period), Termination and Liquidation

Article 70 The duration of a foreign-funded enterprise shall, in the light of the circumstances of the specific trade and enterprise, be proposed by the relevant foreign investor in the application for the establishment of the foreign-funded enterprise, and shall be subject to the approval by the examining and approval authority.

Article 71 The duration of a foreign-funded enterprise shall be calculated from the date of issue of its business license.

In case of an intention to extend the duration of a foreign-funded enterprise, an application for such extension shall be submitted 180 days prior to the expiration of the duration to the examining and approving authority, which shall, within 30 days from the date of receiving the application, make a decision of approving or disapproving of the extension.

If the application for the extension of duration is approved, the foreign-funded enterprise shall, within 30 days from the date of receiving the approval, go through the procedures for change of registration with the administrative department for industry and commerce.

Article 72 A foreign-funded enterprise shall be terminated, if it is under any of the following circumstances:

- (1) upon the expiration of its duration;
- (2) if the foreign investor decides to dissolve it because of poor management and serious losses;
- (3) if the business cannot be carried on because of heavy losses resulting from force majeure such as natural disasters and wars;
- (4) if it becomes bankrupt;
- (5) if it is cancelled according to law due to its violation of Chinese laws and regulations or due to its harming the social and public interests; or
- (6) if any other cause for dissolution, stipulated in the articles of association of the foreign-funded enterprise, has occurred.

In case of circumstances of (2), (3) or (4) of the preceding paragraph, the foreign-funded enterprise shall, on its own initiative, submit an application for termination to the examining and approving authority for approval. The date of approval after verification by the examining and approving authority shall be the date of termination of the enterprise.

Article 73 In case of termination under (1), (2), (3) or (6) of Article 72 of these Rules, the foreign-funded enterprise shall, within 15 days from the date of termination, make a public announcement and notify the creditors of the termination and, within 15 day from the date of such announcement, put forward liquidation procedures, principles and candidates for the liquidation

committee, submit them to the examining and approving authority for verification and approval and, upon such approval, carry out the liquidation.

Article 74 The liquidation committee shall be composed of the legal representative of the foreign-funded enterprise, representative of creditors and representatives from the competent authorities concerned, and Chinese certified public accountants and lawyers shall also be engaged to participating in the liquidation.

Article 75 The liquidation committee shall execute the following functions and powers:

- (1) to convene meetings of creditors;
- (2) to take over and liquidate the property of the enterprise, and to prepare the statement of assets and liabilities and inventory of the property;
- (3) to propose a basis for the valuation and computation of the property of the enterprise;
- (4) to work out a liquidation plan;
- (5) to recover and discharge debts;
- (6) to recover payments payable but not yet paid by shareholders;
- (7) to distribute the residual property;
- (8) to institute and respond to actions on behalf of the enterprise.

Article 76 The foreign investor may not remit or carry the enterprise's money out of the territory of China, nor dispose of the enterprise's property privately, until the liquidation of the foreign-funded enterprise is gone through.

The net assets and residual property of a foreign-funded enterprise, after the liquidation is gone through, shall be treated as profit and subject to income tax in accordance with Chinese tax law.

Article 77 When the liquidation is completed, the foreign-funded enterprise shall go through the procedures for cancellation of registration with and hand in its business license for cancellation to the administrative department for industry and commerce.

Article 78 Chinese enterprises and other economic organizations shall, under equal conditions, have the right of preemption to assets to be disposed of during the liquidation of any foreign-funded enterprise.

Article 79 In case of termination of a foreign-funded enterprise under (4) of Article 72 of these Rules, the liquidation shall be conducted by reference to Chinese laws and regulations.

In case of termination of a foreign-funded enterprise under (5) of Article 72 of these Rules, the liquidation shall be conducted in accordance with the relevant Chinese provisions.

Chapter XIII Supplementary Provisions

Article 80 All foreign-funded enterprise shall buy their various insurances from insurance companies in China.

Article 81 All contracts between a foreign-funded enterprise and other company, enterprise or economic organization and individual shall be governed by the Contract Law of the People's Republic of China.

Article 82 Enterprises, which are wholly owned by any company, enterprise or other economic organization or individual from Hong Kong, Macao or Taiwan or by any overseas Chinese, established with his total capital in the mainland of China, shall be handled by reference to these Rules.

Article 83 Foreign workers and staff members, workers and staff members from Hong Kong, Macao and Taiwan, of any foreign-funded enterprise may carry into the mainland of China means of transportation and articles for daily use that are within reasonable quantities and for their own use, and shall go through import formalities.

Article 84 These Rules shall come into force as of the date of promulgation.

《中华人民共和国外资企业法实施细则》

原文链接: http://www.fdi.gov.cn/1800000121_23_67947_0_7.html

中华人民共和国国务院令

第 301 号

现公布《国务院关于修改〈中华人民共和国外资企业法实施细则〉的决定》，自公布之日起施行。

国务院总理 朱镕基

二〇〇一年四月十二日

中华人民共和国外资企业法实施细则（2001 修订）

（根据 1990 年 10 月 28 日国务院批准 1990 年 12 月 12 日对外经济贸易部发布 根据 2001 年 4 月 12 日《国务院关于修改〈中华人民共和国外资企业法实施细则〉的决定》第一次修订 根据 2014 年 2 月 19 日《国务院关于废止和修改部分行政法规的决定》第二次修订）

第一章 总则

第一条根据《中华人民共和国外资企业法》的规定，制定本实施细则。

第二条外资企业受中国法律的管辖和保护。

外资企业在中国境内从事经营活动，必须遵守中国的法律、法规，不得损害中国的社会公共利益。

第三条设立外资企业，必须有利于中国国民经济的发展，能够取得显著的经济效益。国家鼓励外资企业采用先进技术和设备，从事新产品开发，实现产品升级换代，节约能源和原材料，并鼓励举办产品出口的外资企业。

第四条禁止或者限制设立外资企业的行业，按照国家指导外商投资方向的规定及

外商投资产业指导目录执行。

第五条申请设立外资企业，有下列情况之一的，不予批准：

- （一）有损中国主权或者社会公共利益的；
- （二）危及中国国家安全的；
- （三）违反中国法律、法规的；
- （四）不符合中国国民经济发展要求的；
- （五）可能造成环境污染的。

第六条外资企业在批准的经营范围內，自主经营管理，不受干涉。

第二章 设立程序

第七条设立外资企业的申请，由中华人民共和国对外贸易经济合作部（以下简称对外贸易经济合作部）审查批准后，发给批准证书。

设立外资企业的申请属于下列情形的，国务院授权省、自治区、直辖市和计划单列市、经济特区人民政府审查批准后，发给批准证书：

- （一）投资总额在国务院规定的投资审批权限以內的；
- （二）不需要国家调拨原材料，不影响能源、交通运输、外贸出口配额等全国综合平衡的。

省、自治区、直辖市和计划单列市、经济特区人民政府在国务院授权范围内批准设立外资企业，应当在批准后 15 天内报对外贸易经济合作部备案（对外贸易经济合作部和省、自治区、直辖市和计划单列市、经济特区人民政府，以下统称审批机关）。

第八条申请设立的外资企业，其产品涉及出口许可证、出口配额、进口许可证或者属于国家限制进口的，应当依照有关管理权限事先征得对外经济贸易主管部门的同意。

第九条外国投资者在提出设立外资企业的申请前，应当就下列事项向拟设立外资

企业所在地的县级或者县级以上地方人民政府提交报告。报告内容包括：设立外资企业的宗旨；经营范围、规模；生产产品；使用的技术设备；用地面积及要求；需要用水、电、煤、煤气或者其他能源的条件及数量；对公共设施的要求等。

县级或者县级以上地方人民政府应当在收到外国投资者提交的报告之日起 30 天内以书面形式答复外国投资者。

第十条外国投资者设立外资企业，应当通过拟设立外资企业所在地的县级或者县级以上地方人民政府向审批机关提出申请，并报送下列文件：

- （一）设立外资企业申请书；
- （二）可行性研究报告；
- （三）外资企业章程；
- （四）外资企业法定代表人（或者董事会人选）名单；
- （五）外国投资者的法律证明文件和资信证明文件；
- （六）拟设立外资企业所在地的县级或者县级以上地方人民政府的书面答复；
- （七）需要进口的物资清单；
- （八）其他需要报送的文件。

前款（一）、（三）项文件必须用中文书写；（二）、（四）、（五）项文件可以用外文书写，但应当附中文译文。

两个或者两个以上外国投资者共同申请设立外资企业，应当将其签订的合同副本报送审批机关备案。

第十一条审批机关应当在收到申请设立外资企业的全部文件之日起 90 天内决定批准或者不批准。审批机关如果发现上述文件不齐备或者有不当之处，可以要求限期补报或者修改。

第十二条设立外资企业的申请经审批机关批准后，外国投资者应当在收到批准证书之日起 30 天内向工商行政管理机关申请登记，领取营业执照。外资企业的营业执照签发日期，为企业成立日期。

外国投资者在收到批准证书之日起满 30 天未向工商行政管理机关申请登记的，外资企业批准证书自动失效。

外资企业应当在企业成立之日起 30 天内向税务机关办理税务登记。

第十三条外国投资者可以委托中国的外商投资企业服务机构或者其他经济组织代为办理本实施细则第八条、第九条第一款和第十条规定事宜，但须签订委托合同。

第十四条设立外资企业的申请书应当包括下列内容：

- （一）外国投资者的姓名或者名称、住所、注册地和法定代表人的姓名、国籍、职务；
- （二）拟设立外资企业的名称、住所；
- （三）经营范围、产品品种和生产规模；
- （四）拟设立外资企业的投资总额、注册资本、资金来源、出资方式和期限；
- （五）拟设立外资企业的组织形式和机构、法定代表人；
- （六）采用的主要生产设备及其新旧程度、生产技术、工艺水平及其来源；
- （七）产品的销售方向、地区和销售渠道、方式；
- （八）外汇资金的收支安排；
- （九）有关机构设置和人员编制，职工的招用、培训、工资、福利、保险、劳动保护等事项的安排；
- （十）可能造成环境污染的程度和解决措施；
- （十一）场地选择和用地面积；
- （十二）基本建设和生产经营所需资金、能源、原材料及其解决办法；
- （十三）项目实施的进度计划；
- （十四）拟设立外资企业的经营期限。

第十五条外资企业的章程应当包括下列内容：

- （一）名称及住所；
- （二）宗旨、经营范围；
- （三）投资总额、注册资本、认缴出资额、出资方式、出资期限；
- （四）组织形式；
- （五）内部组织机构及其职权和议事规则，法定代表人以及总经理、总工程师、总会计师等人员的职责、权限；
- （六）财务、会计及审计的原则和制度；
- （七）劳动管理；
- （八）经营期限、终止及清算；
- （九）章程的修改程序。

第十六条外资企业的章程经审批机关批准后生效，修改时间。

第十七条外资企业的分立、合并或者由于其他原因导致资本发生重大变动，须经审批机关批准，并应当聘请中国的注册会计师验证和出具验资报告；经审批机关批准后，向工商行政管理机关办理变更登记手续。

第三章 组织形式与注册资本

第十八条外资企业的组织形式为有限责任公司。经批准也可以为其他责任形式。

外资企业为有限责任公司的，外国投资者对企业的责任以其认缴的出资额为限。

外资企业为其他责任形式的，外国投资者对企业的责任适用中国法律、法规的规定。

第十九条外资企业的投资总额，是指开办外资企业所需资金总额，即按其生产规模需要投入的基本建设资金和生产流动资金的总和。

第二十条外资企业的注册资本，是指为设立外资企业在工商行政管理机关登记的资本总额，即外国投资者认缴的全部出资额。

外资企业的注册资本要与其经营规模相适应，注册资本与投资总额的比例应当符合中国有关规定。

第二十一条外资企业在经营期内不得减少其注册资本。但是，因投资总额和生产经营规模等发生变化，确需减少的，须经审批机关批准。

第二十二条外资企业注册资本的增加、转让，须经审批机关批准，并向工商行政管理机关办理变更登记手续。

第二十三条外资企业将其财产或者权益对外抵押、转让，须经审批机关批准并向工商行政管理机关备案。

第二十四条外资企业的法定代表人是依照其章程规定，代表外资企业行使职权的负责人。

法定代表人无法履行其职权时，应当以书面形式委托代理人，代其行使职权。

第四章 出资方式与期限

第二十五条外国投资者可以用可自由兑换的外币出资，也可以用机器设备、工业产权、专有技术等作价出资。

经审批机关批准，外国投资者也可以用其从中国境内举办的其他外商投资企业获得的人民币利润出资。

第二十六条外国投资者以机器设备作价出资的，该机器设备应当是外资企业生产所必需的设备。

该机器设备的作价不得高于同类机器设备当时的国际市场正常价格。

对作价出资的机器设备，应当列出详细的作价出资清单，包括名称、种类、数量、作价等，作为设立外资企业申请书的附件一并报送审批机关。

第二十七条外国投资者以工业产权、专有技术作价出资的，该工业产权、专有技术应当为外国投资者所有。

该工业产权、专有技术的作价应当与国际上通常的作价原则相一致，其作价金额不得超过外资企业注册资本的20%。

对作价出资的工业产权、专有技术，应当备有详细资料，包括所有权证书的复制件，有效状况及其技术性能、实用价值，作价的计算根据和标准等，作为设立外资企业申请书的附件一并报送审批机关。

第二十八条作价出资的机器设备运抵中国口岸时，外资企业应当报请中国的商检机构进行检验，由该商检机构出具检验报告。

作价出资的机器设备的品种、质量和数量与外国投资者报送审批机关的作价出资清单列出的机器设备的品种、质量和数量不符的，审批机关有权要求外国投资者限期改正。

第二十九条作价出资的工业产权、专有技术实施后，审批机关有权进行检查。该工业产权、专有技术与外国投资者原提供的资料不符的，审批机关有权要求外国投资者限期改正。

第三十条外国投资者缴付出资的期限应当在设立外资企业申请书和外资企业章程中载明。~~外国投资者可以分期缴付出资，但最后一期出资应当在营业执照签发之日起3年内缴清。其中第一期出资不得少于外国投资者认缴出资额的15%，并应当在外资企业营业执照签发之日起90天内缴清。~~

~~外国投资者未能在前款规定的期限内缴付第一期出资的，外资企业批准证书即自动失效。外资企业应当向工商行政管理机关办理注销登记手续，缴销营业执照，不办理注销登记手续和缴销营业执照的，由工商行政管理机关吊销其营业执照，并予以公告。~~

~~第三十一条第一期出资后的其他各期的出资，外国投资者应当如期缴付。~~

~~无正当理由逾期30天不出资的，依照本实施细则第三十条第二款的规定处理。~~

~~外国投资者有正当理由要求延期出资的，应当经审批机关同意，并报工商行政管理机关备案。~~

~~第三十二条外国投资者缴付每期出资后，外资企业应当聘请中国的注册会计师验证，并出具验资报告，报审批机关和工商行政管理机关备案。~~

第五章 用地及其费用

第三十三条外资企业的用地，由外资企业所在地的县级或者县级以上地方人民政府根据本地区的情况审核后，予以安排。

第三十四条外资企业应当在营业执照签发之日起 30 天内，持批准证书和营业执照到外资企业所在地县级或者县级以上地方人民政府的土地管理部门办理土地使用手续，领取土地证书。

第三十五条土地证书为外资企业使用土地的法律凭证。外资企业在经营期限内未经批准，其土地使用权不得转让。

第三十六条外资企业在领取土地证书时，应当向其所在地土地管理部门缴纳土地使用费。

第三十七条外资企业使用经过开发的土地，应当缴付土地开发费。

前款所指土地开发费包括征地拆迁安置费用和为外资企业配套的基础设施建设费用。土地开发费可由土地开发单位一次性计收或者分年计收。

第三十八条外资企业使用未经开发的土地，可以自行开发或者委托中国有关单位开发。基础设施的建设，应当由外资企业所在地县级或者县级以上地方人民政府统一安排。

第三十九条外资企业的土地使用费和土地开发费的计收标准，依照中国有关规定办理。

第四十条外资企业的土地使用年限，与经批准的该外资企业的经营期限相同。

第四十一条外资企业除依照本章规定取得土地使用权外，还可以依照中国其他法规的规定取得土地使用权。

第六章 购买与销售

第四十二条外资企业有权自行决定购买本企业自用的机器设备、原材料、燃料、零部件、配套件、元器件、运输工具和办公用品等（以下统称“物资”）。

外资企业在中国购买物资，在同等条件下，享受与中国企业同等的待遇。

第四十三条外资企业可以在中国市场销售其产品。国家鼓励外资企业出口其生产

的产品。

第四十四条外资企业有权自行出口本企业生产的产品，也可以委托中国的外贸公司代销或者委托中国境外的公司代销。

外资企业可以自行在中国销售本企业生产的产品，也可以委托商业机构代销其产品。

第四十五条外国投资者作为出资的机器设备，依照中国规定需要领取进口许可证的，外资企业凭批准的该企业进口设备和物资清单直接或者委托代理机构向发证机关申领进口许可证。

外资企业在批准的经营范围內，进口本企业自用并为生产所需的物资，依照中国规定需要领取进口许可证的，应当编制年度进口计划，每半年向发证机关申领一次。

外资企业出口产品，依照中国规定需要领取出口许可证的，应当编制年度出口计划，每半年向发证机关申领一次。

第四十六条外资企业进口的物资以及技术劳务的价格不得高于当时的国际市场同类物资以及技术劳务的正常价格。外资企业的出口产品价格，由外资企业参照当时的国际市场价格自行确定，但不得低于合理的出口价格。用高价进口、低价出口等方式逃避税收的，税务机关有权根据税法规定，追究其法律责任。

第四十七条外资企业应当依照《中华人民共和国统计法》及中国利用外资统计制度的规定，提供统计资料，报送统计报表。

第七章 税务

第四十八条外资企业应当依照中国法律、法规的规定，缴纳税款。

第四十九条外资企业的职工应当依照中国法律、法规的规定，缴纳个人所得税。

第五十条外资企业进口下列物资，依照中国税法的有关规定减税、免税：

（一）外国投资者作为出资的机器设备、零部件、建设用建筑材料以及安装、加固机器所需材料；

(二) 外资企业以投资总额内的资金进口本企业生产所需的自用机器设备、零部件、生产用交通运输工具以及生产管理设备;

(三) 外资企业为生产出口产品而进口的原材料、辅料、元器件、零部件和包装物料。

前款所述的进口物资,经批准在中国境内转卖或者转用于生产在中国境内销售的产品,应当依照中国税法纳税或者补税。第五十一条外资企业生产的出口产品,除中国限制出口的以外,依照中国税法的有关规定减税、免税或者退税。

第八章 外汇管理

第五十二条外资企业的外汇事宜,应当依照中国有关外汇管理的法规办理。

第五十三条外资企业凭工商行政管理机关发给的营业执照,在中国境内可以经营外汇业务的银行开立账户,由开户银行监督收付。

外资企业的外汇收入,应当存入其开户银行的外汇账户;外汇支出,应当从其外汇账户中支付。

第五十四条外资企业因生产和经营需要在中国境外的银行开立外汇账户,须经中国外汇管理机关批准,并依照中国外汇管理机关的规定定期报告外汇收付情况和提供银行对账单。

第五十五条外资企业中的外籍职工和港澳台职工的工资和其他正当的外汇收益,依照中国税法纳税后,可以自由汇出。

第九章 财务会计

第五十六条外资企业应当依照中国法律、法规和财政机关的规定,建立财务会计制度并报其所在地财政、税务机关备案。

第五十七条外资企业的会计年度自公历年的1月1日起至12月31日止。

第五十八条外资企业依照中国税法规定缴纳所得税后的利润,应当提取储备基金和职工奖励及福利基金。储备基金的提取比例不得低于税后利润的10%,当累计提取金额达到注册资本的50%时,可以不再提取。职工奖励及福利基金的提取比

例由外资企业自行确定。

外资企业以往会计年度的亏损未弥补前，不得分配利润；以往会计年度未分配的利润，可与本会计年度可供分配的利润一并分配。

第五十九条外资企业的自制会计凭证、会计账簿和会计报表，应当用中文书写；用外文书写的，应当加注中文。

第六十条外资企业应当独立核算。

外资企业的年度会计报表和清算会计报表，应当依照中国财政、税务机关的规定编制。以外币编报会计报表的，应当同时编报外币折合为人民币的会计报表。

外资企业的年度会计报表和清算会计报表，应当聘请中国的注册会计师进行验证并出具报告。

第二款和第三款规定的外资企业的年度会计报表和清算会计报表，连同中国的注册会计师出具的报告，应当在规定的时间内报送财政、税务机关，并报审批机关和工商行政管理机关备案。

第六十一条外国投资者可以聘请中国或者外国的会计人员查阅外资企业账簿，费用由外国投资者承担。

第六十二条外资企业应当向财政、税务机关报送年度资产负债表和损益表，并报审批机关和工商行政管理机关备案。

第六十三条外资企业应当在企业所在地设置会计账簿，并接受财政、税务机关的监督。

违反前款规定的，财政、税务机关可以处以罚款，工商行政管理机关可以责令停止营业或者吊销营业执照。

第十章 职工

第六十四条外资企业在中国境内雇用职工，企业和职工双方应当依照中国的法律、法规签订劳动合同。合同中应当订明雇用、辞退、报酬、福利、劳动保护、劳动保险等事项。

外资企业不得雇用童工。

第六十五条外资企业应当负责职工的业务、技术培训，建立考核制度，使职工在生产、管理技能方面能够适应企业的生产与发展需要。

第十一章 工会

第六十六条外资企业的职工有权依照《中华人民共和国工会法》的规定，建立基层工会组织，开展工会活动。

第六十七条外资企业工会是职工利益的代表，有权代表职工同本企业签订劳动合同，并监督劳动合同的执行。

第六十八条外资企业工会的基本任务是：依照中国法律、法规的规定维护职工的合法权益，协助企业合理安排和使用职工福利、奖励基金；组织职工学习政治、科学技术和业务知识，开展文艺、体育活动；教育职工遵守劳动纪律，努力完成企业的各项经济任务。

外资企业研究决定有关职工奖惩、工资制度、生活福利、劳动保护和保险问题时，工会代表有权列席会议。外资企业应当听取工会的意见，取得工会的合作。

第六十九条外资企业应当积极支持本企业工会的工作，依照《中华人民共和国工会法》的规定，为工会组织提供必要的房屋和设备，用于办公、会议、举办职工集体福利、文化、体育事业。外资企业每月按照企业职工实发工资总额的 2% 拨交工会经费，由本企业工会依照中华全国总工会制定的有关工会经费管理办法使用。

第十二章 期限、终止与清算

第七十条外资企业的经营期限，根据不同行业和企业的具体情况，由外国投资者在设立外资企业的申请书中拟订，经审批机关批准。

第七十一条外资企业的经营期限，从其营业执照签发之日起计算。

外资企业经营期满需要延长经营期限的，应当在距经营期满 180 天前向审批机关报送延长经营期限的申请书。审批机关应当在收到申请书之日起 30 天内决定批准或者不批准。

外资企业经批准延长经营期限的，应当自收到批准延长期限文件之日起 30 天内，向工商行政管理机关办理变更登记手续。

第七十二条外资企业有下列情形之一的，应予终止：

- （一）经营期限届满；
- （二）经营不善，严重亏损，外国投资者决定解散；
- （三）因自然灾害、战争等不可抗力而遭受严重损失，无法继续经营；
- （四）破产；
- （五）违反中国法律、法规，危害社会公共利益被依法撤销；
- （六）外资企业章程规定的其他解散事由已经出现。

外资企业如存在前款第（二）、（三）、（四）项所列情形，应当自行提交终止申请书，报审批机关核准。审批机关作出核准的日期为企业的终止日期。

第七十三条外资企业依照本实施细则第七十二条第（一）、（二）、（三）、（六）项的规定终止的，应当在终止之日起 15 天内对外公告并通知债权人，并在终止公告发出之日起 15 天内，提出清算程序、原则和清算委员会人选，报审批机关审核后进行清算。

第七十四条清算委员会应当由外资企业的法定代表人、债权人代表以及有关主管机关的代表组成，并聘请中国的注册会计师、律师等参加。

清算费用从外资企业现存财产中优先支付。

第七十五条清算委员会行使下列职权：

- （一）召集债权人会议；
- （二）接管并清理企业财产，编制资产负债表和财产目录；
- （三）提出财产作价和计算依据；
- （四）制定清算方案；
- （五）收回债权和清偿债务；

（六）追回股东应缴而未缴的款项；

（七）分配剩余财产；

（八）代表外资企业起诉和应诉。

第七十六条外资企业在清算结束之前，外国投资者不得将该企业的资金汇出或者携出中国境外，不得自行处理企业的财产。

外资企业清算结束，其资产净额和剩余财产超过注册资本的部分视同利润，应当依照中国税法缴纳所得税。

第七十七条外资企业清算结束，应当向工商行政管理机关办理注销登记手续，缴销营业执照。

第七十八条外资企业清算处理财产时，在同等条件下，中国的企业或者其他经济组织有优先购买权。

第七十九条外资企业依照本实施细则第七十二条第（四）项的规定终止的，参照中国有关法律、法规进行清算。

外资企业依照本实施细则第七十二条第（五）项的规定终止的，依照中国有关规定进行清算。

第十三章 附则

第八十条外资企业的各项保险，应当向中国境内的保险公司投保。

第八十一条外资企业与其他公司、企业或者经济组织以及个人签订合同，适用《中华人民共和国合同法》。

第八十二条香港、澳门、台湾地区的公司、企业和其他经济组织或者个人以及在国外居住的中国公民在大陆设立全部资本为其所有的企业，参照本实施细则办理。

第八十三条外资企业中的外籍职工和港澳台职工可带进合理自用的交通工具和生活物品，并依照中国规定办理进口手续。

第八十四条本实施细则自公布之日起施行。

**Detailed Rules On the Implementation of the Law of People's Republic of China On
Sino-Foreign Joint Cooperative Ventures**

Promulgation date: 09-04-1995 Department: Ministry of Foreign Trade and Economic
Cooperation (incl. Former Ministry of Foreign Economy and Trade)
Effective date: 09-04-1995 Subject: Foreign-funded Enterprises

DETAILED RULES ON THE IMPLEMENTATION OF THE LAW OF PEOPLE'S REPUBLIC
OF CHINA ON SINO-FOREIGN JOINT COOPERATIVE VENTURES

(The Rules were approved by the State Council on Aug. 7, 1995 and have been commanded by
Wu Yi, minister of MOFTEC being put into effect as of their promulgation on Sept. 4, 1995)

CONTENTS

CHAPTER ONE GENERAL PROVISIONS CHAPTER TWO ESTABLISHMENT OF THE
JOINT VENTURES CHAPTER THREE ORGANIZATION AND REGISTERED CAPITAL
CHAPTER FOUR INVESTMENT AND COOPERATIVE MEANS CHAPTER FIVE
ORGANIZATIONAL SETUP CHAPTER SIX PURCHASE OF GOODS AND MATERIALS
AND SALES OF PRODUCTS CHAPTER SEVEN DISTRIBUTION OF INCOMES AND
RECOVERY OF INVESTMENT CHAPTER EIGHT OPERATION TEAM AND
DISSOLUTION OF THE JOINT VENTURE CHAPTER NINE SPECIAL PROVISIONS ON
JOINT VENTURES WITHOUT LEGAL PERSON STATUS CHAPTER TEN
SUPPLEMENTARY PROVISIONS

CHAPTER ONE GENERAL PROVISIONS

Article 1 This set of rules have been formulated in accordance with The Law of the People's
Republic of China on Sino-Foreign Joint Cooperative Ventures.

Article 2 The establishment of Sino-Foreign joint cooperative ventures (referred to hereinafter as
joint ventures) in the territories of China shall be in line with the country's development and
industrial policies as well as regulations guiding foreign investment in China.

Article 3 The joint ventures can, according to the law, independently undertake their operations
and management and business activities within the limits as set under the approved agreements,
contracts and articles of associations of the ventures without interference from any organizations
or individuals.

Article 4 The joint ventures referred to here includes those with and without Chinese legal person
status.

Special provisions in Chapter 9 of these Rules shall be followed by joint ventures without Chinese
legal person status.

Article 5 Departments in charge of the Chinese operators shall be in charge of the joint ventures. If a joint venture has two or more Chinese operators, the examination and approval departments shall, with consultations with other related departments, designate one specific department in charge for the administration of the joint venture, unless otherwise stipulated under the law or other administrative rules and regulations.

The departments in charge of the joint venture shall provide consultation and assistance in related affairs of the joint ventures.

CHAPTER TWO ESTABLISHMENT OF THE JOINT VENTURES

Article 6 The establishment of a joint venture shall have the approval of the Ministry of Foreign Trade and Economic Cooperation (MOFTEC) or other departments and local governments authorized by the State Council.

The establishment of joint ventures in the following occasions shall be examined and approved by the departments or local governments authorized by the State Council:

1. The total investment to the venture is within the range of those that should be examined and approved by the departments or local governments authorized by the State Council;
2. The capital has been raised by the applicants themselves and whose construction and production facilities do not need to be balanced by the State.
3. The export of its products does not need a quota or export license from departments in charge of the State, or when a quota or export license is needed, the export has been approved in advance by related departments in charge of the State prior to the submission of the project proposal.
4. Other circumstances that should be examined and approved by the departments or local governments authorized by the State Council as set under the law and administrative rules and regulations.

Article 7 The following documents shall be presented by the Chinese partners in applying for the establishment of a joint venture.

1. Project proposal of the joint venture together with the approval documents of department in charge;
2. The feasibility study report as prepared by all sides involved in the joint venture, together with approval documents of departments in charge;
3. The joint venture's agreements, contracts and articles of association as signed by the cooperators' legal representatives or authorized representatives;

4. The partners business licenses, registration documents, capital credibility reports and other valid documents of the legal representatives. If a partner is a foreign natural person, the partner shall also present valid documents on its identification, biographical data and capital credibility;
5. A roster of the Chairman and Deputy Chairmen of the Board of Directors, members of the Board of Directors or a name list of the Chairman and Deputy Chairmen of the Joint Management Committee and members of the Joint Management Committee;
6. Other documents as deemed necessary by the examination and approval departments.

The previously listed documents, except documents submitted by the foreign partners as stated in item 4, shall have Chinese versions. Documents stated in items 2, 3 and 5 may also have copies in another foreign language as agreed upon by partners of the proposed joint venture.

The examination and approval departments shall decide whether or not approve the establishment within 45 days since the date when all necessary documents are received. In case the examination and approval departments decide that a certain document submitted is incomplete or with inappropriate contents, the departments have the right to request a revision or amendment within a certain period of time.

Article 8 The approval documents shall be issued by the MOFTEC if the joint ventures are approved by the MOFTEC or departments authorized by the State Council.

The approval documents of joint ventures approved by the local governments shall be issued by the approving local governments and be registered with the MOFTEC for the record within 30 days following the date of approval.

The joint ventures established after approval shall register with the administrative departments in charge of industry and commerce and apply for business licenses.

Article 9 Applications on the establishment of joint ventures will not be approved in one of the following occasions:

1. The proposed joint venture would make harm to China's sovereignty or social welfare;
2. The proposed joint venture would make harm to China's national security;
3. The proposed joint venture would cause pollution to the environment;
4. Other occasions that are against the laws or administrative rules and regulations and the State's industrial policy.

Article 10 The joint venture cooperation agreements referred to in this set of detailed rules are the

written document jointly formulated by the partners of the joint ventures on the ventures' principles and other major matters.

The joint venture contracts referred to in this set of detailed rules are the written documents jointly formulated by the partners of the joint ventures on the rights and obligations between the partners.

The joint venture articles of association referred to in this set of detailed rules are the written documents jointly formulated by the partners of the joint venture on the organization, operation and management and other matters of the venture in accordance with the contracts.

If there are discrepancies between the joint venture's cooperation agreement and its articles of association on the one hand and the contract on the other hand, the stipulations in the contract shall be followed.

The partners of the joint venture may choose not to formulate a cooperation agreement.

Article 11 The joint ventures' agreements, contracts and articles of association shall enter into force as of the date of the issuance of the establishment approval documents by the examination and approval departments. Any major revises in the agreements, contracts and articles of association during the cooperation period shall be approved by the examination and approval departments.

Article 12 The joint ventures' contracts shall include the following data:

1. Title, place of the registration, residence and names, titles and nationalities of the legal representatives of the partners. (If the partner is a foreign natural person, his/her name, nationality and residence shall also be included);
2. The joint venture's name, site and scope of operation;
3. Total investment, registered capital, investment by each partner or forms and terms of cooperation;
4. The transfer of investment by each partner and other cooperative terms;
5. The distribution of the profits or products as well as the sharing of the risks and losses;
6. The cooperation of the joint venture's Board of Directors or Joint Management Committee, the distribution of the members of the board or the committee and the responsibilities, recruitment and dismissal of the general manager and other senior managerial staff;
7. Major equipment, production technologies adopted and their sources;
8. Arrangements on the sales of the joint venture's products inside China and overseas;

9. Arrangements on the income and expenditure of foreign exchange;
10. Operation term dismissal and liquidation of the joint venture;
11. Other obligations and responsibilities of the partners in case of violation of the contracts;
12. Principles guiding the management of the joint venture's finance, accounting and auditing;
13. The settlement of disputes between/among the partners;
14. The procedures of revising the joint ventures' contracts.

Article 13 The joint venture's articles of association shall include the following items:

1. The name and site of the joint venture;
2. The scope of operation and cooperation term of the joint venture;
3. The names, register sites, residence of the partners as well as the names, titles and nationalities of their legal representatives (if the foreign partner is a foreign natural person, his/her name, nationality and residence shall also be included);
4. ~~The total investment, registered capital and investment of each partner of the joint venture, the amount of capital subscribed by each partner, and the form and term of cooperation;~~ The total investment and registered capital of the cooperation, the amount of capital subscribed by each partner, and the form and time limit for making the investment or providing the conditions for cooperation;
5. The distribution of the profits or products as well as the sharing of the risks and losses;
6. The composition, responsibilities and the rules of procedures of the joint venture's Board of Directors or Joint Management Committee; the term of members of the Board of Directors or Joint Management Committee and the power and responsibilities of the chairman and the deputy chairmen of the Board of Directors or the chairman and deputy chairmen of the Joint Management Committee;
7. The setup, responsibilities, rules of procedures of the joint venture's management and the power, responsibilities, recruitment and dismissal of the general manager and other senior managerial staff;
8. Provisions on recruitment, training, formulation of employment contracts, salary, social insurance, welfare, job safety and health etc. of the employees;

9. Financial, accounting and auditing systems of the joint venture;
10. The dismissal and liquidation of the joint venture;
11. The procedures on revising the joint venture's articles of association.

CHAPTER THREE ORGANIZATION AND REGISTERED CAPITAL

Article 14 Joint ventures with Chinese legal person status shall be limited liability companies. The partners shall share responsibilities within the limit of its investment or cooperative means rendered, unless otherwise stipulated under the contracts.

The joint venture shall have liability for its debts with all of its capital.

Article 15 The total investment of the joint venture refers to the total capital input needed under the production and operation scope as set in the joint venture's contracts and articles of association.

Article 16 The joint venture's registered capital refers to the total amount of capital registered by the partners with the administrative departments in charge of industry and commerce in order to establish the joint venture. The registered capital shall be expressed in the sum of RMB. It may also be calculated with another freely-convertible currency as agreed upon by the partners.

The joint venture's registered capital shall not decrease during term of cooperation. Decreases that are truly warranted by the change of the total investment and the operation scope and other changes shall be approved by the examination and approval departments.

CHAPTER FOUR INVESTMENT AND COOPERATIVE MEANS

Article 17 The partners shall, in line with the related laws, administrative regulations and provisions of the joint venture's contracts, invest in or provide cooperative means to the joint ventures.

Article 18 The partners' investment or cooperative means could be currencies, or material objects or industrial rights, special technologies, land use rights and other property rights.

The Chinese partners' investments or cooperative means, if they are State fix assets, shall undergo assets assessment in accordance with related laws and administrative regulations or provisions.

For joint ventures with Chinese legal person status, the foreign partners' investment shall normally be no less than 25% of the total registered capital of the joint venture. For Joint ventures without Chinese legal person status, the specific requirements for the partners' investments or rendition of cooperative means shall be stipulated by MOFTEC.

Article 19 The partners shall use their properties or property rights as investments or cooperative means and they shall not have the investments or cooperative means mortgaged or guaranteed through other means.

Article 20 The partners shall, in line with the needs of the joint venture's production and operation and in accordance with related laws and administrative regulations and provisions, set the term of operation in the joint venture's contracts.

If the partners fail to provide the required investment or cooperative means as stipulated under the contract, the administrative departments in charge of industry and commerce shall order them to do so within a certain period of time; If they still fail to do so after that time period expires, the examination and approval departments shall rescind the joint venture's approval documents and the administrative departments in charge of industry and commerce shall revoke the joint venture's business license and shall announce the nullification.

Article 21 The side that fails to provide investment or cooperative means in accordance with the joint venture's contracts shall bear the violation responsibilities to the other sides that have already provided the required investment or cooperative means.

Article 22 After the provision of the investments and the cooperative means by the partners, the joint venture shall issue investment certification confirming their provision after registered Chinese accountants examined the provisions and provided an examination report. The investment certification shall include the following data:

1. The name of the joint venture;
2. The establishment date of the joint venture;
3. The names of the partners;
4. The description of the investments or cooperative means rendered by the partners of the joint venture;
5. The date of the investments or cooperative means rendered by the partners of the joint venture;
6. The serial number and issuing date of the investment certification.

Copies of the investment certification shall be submitted to the examination and approval departments as well as the administrative departments in charge of industry and commerce.

Article 23 The transfer of all or parts of the property rights as set under the contracts among the partners of the joint venture or between one partner of the joint venture and others outside the joint venture shall have the written consent of the other partner(s), as well as the approval of examination and approval departments.

The examination and approval departments shall decide on whether or not to approve the transfer within 30 days after the receipt of the transfer documents.

CHAPTER FIVE ORGANIZATIONAL SETUP

Article 24 The joint venture shall have a Board of Directors or a Joint Management Committee as its executive authority, which decides on the venture's major matters in accordance with the articles of association.

Article 25 The number of members of the Board of Directors or Joint Management Committee shall be no less than three and the distribution of the members shall be agreed upon in accordance with the investments and/or cooperative means rendered.

Article 26 Members of the Board of Directors or the Joint Management Committee shall be named or dismissed from the partners themselves. The nomination and approval of the chairman and deputy chairmen of the board or committee shall follow the procedures as set in the articles of association. If one of the Chinese partners holds the position of chairman, the position of deputy chairman shall be held by one of the foreign partners and vice versa.

Article 27 The term of the members of the Board of Directors or Joint Management Committee shall be stipulated under the joint venture's articles of association, but shall not exceed three years. When the chairman or member's term ends and he/she is again designated, he/she can hold the position for another term.

Article 28 Meetings of the Board of Directors or the Joint Management Committee shall be convened at least once each year and be chaired by chairman. In case the chairman cannot chair the meetings, one of the deputy chairmen or members designated by the chairman shall call and chair the meetings. If one third of the members of the board or committee so propose, the board or the committee can call a meeting.

Meetings of the Board of Directors or the Joint Management Committee shall be notified 10 days before a meeting. The Board of Directors or the Joint Management Committee may vote through communications.

Article 29 The following items can only be approved with the unanimous agreement of the members:

1. The revision of the joint venture's article of association;
2. The increase or decrease of the joint venture's registered capital;
3. The dismissal of the joint venture;

4. The mortgage of the joint venture's assets;
5. The merger, division and change of organization structure of the joint venture;
6. Other items that can only be approved with the unanimous agreement of all members of the Board of Directors or the Joint Management Committee.

Article 30 Other matters other than stipulated in this set of detailed rules concerning the discussion and voting procedures shall be covered in the joint venture's articles of association.

Article 31 Chairman of the Board of Directors or the Joint Management Committee is the legal representative of the joint venture. If the chairman cannot so function, he/she shall designate one of the deputy chairmen or one of the members of the board or committee to represent the joint venture in external affairs.

Article 32 The joint venture shall have one general manager in charge of daily operation and management of the joint venture as well as the Board of Director or the Joint Management Committee.

The joint venture's general manager shall be recruited or dismissed by the Board of Directors or the joint Management Committee.

Article 33 The general manager and other senior managerial staff can be either Chinese nationals or foreign nationals.

Members of the Board of Directors or the Joint Management Committee can concurrently hold the position of the general manager or other senior managerial posts, with the recruitment of the Board of Directors or the Joint Management Committee.

Article 34 The general manager or other senior managerial staff, if incompetent or involving in graft or having serious dereliction of duty, can be dismissed through a resolution of the Board of Directors or the Joint Management Committee. General manager or other senior managerial staff of a joint venture shall be responsible for all major losses of the joint venture, incurred by their own conducts.

Article 35 If a joint venture decides to entrust someone other than the partners to manage the operation of the venture, it shall have the unanimous agreement of the Board of Directors or the Joint Management Committee. The joint venture shall sign a contract with the trustee for the entrustment.

The joint venture shall submit the resolution of the Board of Directors or the Joint Management Committee on the entrustment as well as the entrustment contract together with documents of the trustee's credit standing to the examination and approval departments for approval. The examination and approval departments shall decide whether or not to approve within 30 days since

the receipt of the related documents.

CHAPTER SIX PURCHASE OF GOODS AND MATERIALS AND SALES OF PRODUCTS

Article 36 A joint venture can formulate its own production plans in accordance with its operation scope and production scale as approved by departments in charge.

Government departments must not force the joint ventures to implement production and operation plans formulated by the government departments.

Article 37 A joint venture can independently decide to purchase in China or overseas machinery equipment, raw materials, fuels, components and parts, vehicles and office supplies (referred to hereinafter as goods and materials) it needs.

Article 38 The State encourages the joint ventures to sell their products on the international market. The joint ventures can sell their products on overseas markets by themselves or commission overseas sales agents or China's foreign trade companies to do so.

The joint ventures set the prices of their products for themselves according to the law.

Article 39 The import of machinery, equipments, components and parts as well as other goods and materials by the foreign partner as investment in the joint venture shall be exempt from import tariffs and circulating tax during the importation. The import of machinery, equipment, parts and components and other goods and materials needed in the operation and production with parts of the joint venture's total investment funds shall enjoy the same preferential treatment. If such goods and materials imported duty free are transferred or resold inside China, taxes are required to be levied or repaid.

Article 40 The joint ventures must not export their products in prices obviously lower than reasonable international prices, neither can they import goods and materials in prices obviously higher than international prices.

Article 41 The joint venture shall sell its products in accordance with related provisions as stipulated in the approved cooperation contract.

Article 42 In importing and exporting commodities that require State quota and import/export licenses, the joint ventures shall duly apply for the quota and licenses.

CHAPTER SEVEN DISTRIBUTION OF INCOMES AND RECOVERY OF INVESTMENT

Article 43 The Chinese and foreign partners of the joint ventures can get a part of the profits, products and other means in distribution of incomes of the venture as agreed by the partners.

If the income is distributed in the form of products or other means, tax shall be levied in

accordance with provisions under the tax law.

Article 44 When the operation term as set in the joint venture's contract expires, if the joint venture's fixed assets have been set to be handed to the Chinese partners free of charge, the foreign partners can, during the operation term, apply to recover their investment in the following manners:

1. Aside from the distribution in accordance with the investment and/or cooperative means rendered, the foreign partner can increase its share in the distribution in the contract;
2. With the examination and approval of the finance and taxation authorities in accordance with related taxation regulations, the foreign partners recover their investment before the joint venture pays its income tax;
3. Other investment recovery measures approved by the examination and approval departments and finance and taxation departments.

When the foreign partners recover investment during the operation term as described in the previous paragraphs, the Chinese and foreign partners shall should the joint ventures' debts in accordance with provisions of related laws as well as the ventures' contracts.

Article 45 In applying for recovering investment in advance through means as described in Items 2 and 3 of Article 44, the foreign partner shall clearly specify the sum, time limit and form for investment recovery in advance for examination and approval by departments in charge after being examined and approved by finance and taxation authorities.

The foreign partner cannot recover its investment in advance before the losses of the joint venture are settled.

Article 46 The joint ventures shall, in line with related provisions of Chinese laws, commission registered Chinese accountants to audit and check their financial accounts. The partners may jointly or separately commission registered Chinese accountants to audit and check the accounts and the expenses arisen therefrom shall be paid by the party that makes the commission.

CHAPTER EIGHT OPERATION TEAM AND DISSOLUTION OF THE JOINT VENTURE

Article 47 Operation term of a joint venture shall be decided through consultation by the Chinese and foreign partners and specified in the contract.

In case the operation term of the joint venture expires, it can be extended through agreement of the partners. The extension proposal shall be submitted to the examination and approval departments 180 days before the original expiration date, clearly stating how the original contract is implemented, reasons for the extension of the term as well as agreements on issues such as the rights and obligations of the partners during the term extended. The examination and approval

departments shall decide whether or not to approve within 30 days since the receipt of the application.

If the extension is approved, the joint venture can go through the formalities of changing the original registration with the approval documents. The starting of the extension is the first day after the expiration of the original term.

If the joint venture's contract stipulates that foreign partners recover their investment in advance and the recovery is made, the operation term of the joint venture cannot be extended after expiration. However, if the foreign partner increase investment and all other partners of the joint venture agree, the venture can apply for an extension of the term in the way stated in the second paragraph of this article.

Article 48 A joint venture is dissolved under one of the following circumstances:

1. The operation term expires;
2. The joint venture's operation cannot continue due to big losses or as a result of forces majeure;
3. The joint venture's operation cannot continue as a result of the failure by one or more partners to execute the obligations stipulated in the contract and/or the articles of association;
4. Other conditions that can lead to dissolution emerge;
5. The joint venture is ordered to close because it violates laws or administrative regulations and rules.

In the circumstances stated in Items 2 and 4, the joint venture's Board of Directors or Joint Management Committee shall make the decision of dissolution and report to the examination and approval departments for approval. Under the circumstance as stated in Item 3 of this article, the partner(s) failing to execute the obligations stipulated in the joint venture's contract and articles of association shall shoulder the responsibilities over the loss suffered by other sides as a result of the failure; the partner(s) abiding by the contract is (are) entitled to apply with the examination and approval departments for dissolving the joint venture.

Article 49 The liquidation of the joint venture shall be handled in accordance with related State laws and administrative regulations and rules as well as the venture's contract and articles of association.

CHAPTER NINE SPECIAL PROVISIONS ON JOINT VENTURES WITHOUT LEGAL PERSON STATUS

Article 50 For joint ventures without legal person status, their partners shall shoulder civil responsibilities in accordance with related provisions of China's civil law.

Article 51 Joint ventures without legal person status shall register their partners' investment and cooperative means rendered with administrative departments in charge of industry and commerce.

Article 52 For joint ventures without legal person status, partners of the ventures shall separately own the investment and/or cooperative means they rendered. But the investment and/or cooperative means can also be jointly owned, or partly jointly owned under agreement of all the partners. Assets added as a result of the joint venture's operation shall be owned by all the partners.

The investments and cooperative means rendered by the partners of a joint venture without legal person status shall be put under the unified management of the venture. None of the partners can dispose of the investment or cooperative means without the agreement of the other partners.

Article 53 Joint ventures' without legal person status shall establish joint management setups comprising representatives designated by respective partners to jointly manage the venture.

The joint management setup shall decide on all major issues of the venture.

Article 54 Joint ventures without legal person status shall keep unified accounting books at the site of the ventures; the partners shall also have their respective account books.

CHAPTER TEN SUPPLEMENTARY PROVISIONS

Article 55 The formulation, effectiveness, interpretation, implementation and settlement of disputes of the joint ventures' contracts shall be governed by the Chinese law.

Article 56 Other matters not included in this set of detailed rule, such as the joint ventures financial affairs, accounting, audit, foreign currencies, taxation, labour management and trade unions, shall be governed by related laws and administrative regulations and rules.

Article 57 Companies, enterprises and other economic entities as well as individuals from Hong Kong, Taiwan and Macao regions and Chinese citizens residing overseas shall follow this set of detailed rules in establishing joint ventures in China.

Article 58 This set of detailed rules goes into effect as of the date of its promulgation.

中华人民共和国中外合作经营企业法实施细则

(1995年8月7日国务院批准, 1995年9月4日对外贸易经济合作部发布)

第一章 总则

第一条 根据《中华人民共和国中外合作经营企业法》，制定本实施细则。

第二条 在中国境内举办中外合作经营企业（以下简称合作企业），应当符合国家的发展政策和产业政策，遵守国家关于指导外商投资方向的规定。

第三条 合作企业在批准的合作企业协议、合同、章程范围内，依法自主地开展业务、进行经营管理活动，不受任何组织或者个人的干涉。

第四条 合作企业包括依法取得中国法人资格的合作企业和不具有法人资格的合作企业。

不具有法人资格的合作企业，本实施细则第九章有特别规定的，从其规定。

第五条 合作企业的主管部门为中国合作者的主管部门。合作企业有二个以上中国合作者的，由审查批准机关会同有关部门协商确定一个主管部门。但是，法律、行政法规另有规定的除外。

合作企业的主管部门对合作企业的有关事宜依法进行协调、提供协助。

第二章 合作企业的设立

第六条 设立合作企业由对外贸易经济合作部或者国务院授权的部门和地方人民政府审查批准。

设立合作企业属于下列情形的，由国务院授权的部门或者地方人民政府审查批准：

(一) 投资总额在国务院规定由国务院授权的部门或者地方人民政府审批的投资限额以内的；

(二) 自筹资金，并且不需要国家平衡建设、生产条件的；

(三) 产品出口不需要领取国家有关主管部门发放的出口配额、许可证，或者虽需要领取，但在报送项目建议书前已征得国家有关主管部门同意的；

（四）有法律、行政法规规定由国务院授权的部门或者地方人民政府审查批准的其他情形的。

第七条 设立合作企业，应当由中国合作者向审查批准机关报送下列文件：

（一）设立合作企业的项目建议书，并附送主管部门审查同意的文件；

（二）合作各方共同编制的可行性研究报告，并附送主管部门审查同意的文件；

（三）由合作各方的法定代表人或其授权的代表签署的合作企业协议、合同、章程；

（四）合作各方的营业执照或者注册登记证明、资信证明及法定代表人的有效证明文件，外国合作者是自然人的，应当提供有关其身份、履历和资信情况的有效证明文件；

（五）合作各方协商确定的合作企业董事长、副董事长、董事或者联合管理委员会主任、副主任、委员的人选名单；

（六）审查批准机关要求报送的其他文件。

前款所列文件，除第四项中所列外国合作者提供的文件外，必须报送中文本，第二项、第三项和第五项所列文件可以同时报送合作各方商定的一种外文本。

审查批准机关应当自收到规定的全部文件之日起45天内决定批准或者不批准；审查批准机关认为报送的文件不全或者有不当之处的，有权要求合作各方在指定期间内补全或者修正。

第八条 对外贸易经济合作部和国务院授权的部门批准设立的合作企业，由对外贸易经济合作部颁发批准证书。

国务院授权的地方人民政府批准设立的合作企业，由有关地方人民政府颁发批准证书，并自批准之日起30天内将有关批准文件报送对外贸易经济合作部备案。

批准设立的合作企业应当依法向工商行政管理机关申请登记，领取营业执照。

第九条 申请设立合作企业，有下列情形之一的，不予批准：

（一）损害国家主权或者社会公共利益的；

（二）危害国家安全的；

（三）对环境造成污染损害的；

（四）有违反法律、行政法规或者国家产业政策的其他情形的。

第十条 本实施细则所称合作企业协议，是指合作各方对设立合作企业的原则和主要事项达成一致意见后形成的书面文件。

本实施细则所称合作企业合同，是指合作各方为设立合作企业就相互之间的权利、义务关系达成一致意见后形成的书面文件。

本实施细则所称合作企业章程，是指按照合作企业合同的约定，经合作各方一致同意，约定合作企业的组织原则、经营管理方法等事项的书面文件。

合作企业协议、章程的内容与合作企业合同不一致的，以合作企业合同为准。

合作各方可以不订立合作企业协议。

第十一条 合作企业协议、合同、章程自审查批准机关颁发批准证书之日起生效。在合作期限内，合作企业协议、合同、章程有重大变更的，须经审查批准机关批准。

第十二条 合作企业合同应当载明下列事项：

（一）合作各方的名称、注册地、住所及法定代表人的姓名、职务、国籍（外国合作者是自然人的，其姓名、国籍和住所）；

（二）合作企业的名称、住所、经营范围；

（三）合作企业的投资总额，注册资本，合作各方投资或者提供合作条件的方式、期限；

（四）合作各方投资或者提供的合作条件的转让；

（五）合作各方收益或者产品的分配，风险或者亏损的分担；

（六）合作企业董事会或者联合管理委员会的组成以及董事或者联合管理委员会委员名额的分配，总经理及其他高级管理人员的职责和聘任、解聘办法；

（七）采用的主要生产设备、生产技术及其来源；

（八）产品在中国境内销售和境外销售的安排；

（九）合作企业外汇收支的安排；

（十）合作企业的期限、解散和清算；

（十一）合作各方其他义务以及违反合同的责任；

（十二）财务、会计、审计的处理原则；

(十三) 合作各方之间争议的处理;

(十四) 合作企业合同的修改程序。

第十三条 合作企业章程应当载明下列事项:

(一) 合作企业名称及住所;

(二) 合作企业的经营范围和合作期限;

(三) 合作各方的名称、注册地、住所及法定代表人的姓名、职务和国籍(外国合作者是自然人的, 其姓名、国籍和住所);

(四) ~~合作企业的投资总额、注册资本~~ 合作各方投资或者提供合作条件的方式、期限。

(五) 合作各方收益或者产品的分配, 风险或者亏损的分担;

(六) 合作企业董事会或者联合管理委员会的组成、职权和议事规则, 董事会董事或者联合管理委员会的任期, 董事长、副董事长或者联合管理委员会主任、副主任的职责;

(七) 经营管理机构的设置、职权、办事规则, 总经理及其他高级管理人员的职责和聘任、解聘办法;

(八) 有关职工招聘、培训、劳动合同、工资、社会保险、福利、职业安全卫生等劳动管理事项的规定;

(九) 合作企业财务、会计和审计制度;

(十) 合作企业解散和清算办法;

(十一) 合作企业章程的修改程序。

第三章 组织形式与注册资本

第十四条 合作企业依法取得中国法人资格的, 为有限责任公司。除合作企业合同另有约定外, 合作各方以其投资或者提供的合作条件为限对合作企业承担责任。

合作企业以其全部资产对合作企业的债务承担责任。

第十五条 合作企业的投资总额, 是指按照合作企业合同、章程规定的生产经营规模, 需要投入的资金总和。

第十六条 合作企业的注册资本，是指为设立合作企业，在工商行政管理机关登记的合作各方认缴的出资额之和。注册资本以人民币表示，也可以用合作各方约定的一种可自由兑换的外币表示。

合作企业注册资本在合作期限内不得减少。但是，因投资总额和生产经营规模等变化，确需减少的，须经审查批准机关批准。

第四章 投资、合作条件

第十七条 合作各方应当依照有关法律、行政法规的规定和合作企业合同的约定，向合作企业投资或者提供合作条件。

第十八条 合作各方向合作企业的投资或者提供的合作条件可以是货币，也可以是实物或者工业产权、专有技术、土地使用权等财产权利。

中国合作者的投资或者提供的合作条件，属于国有资产的，应当依照有关法律、行政法规的规定进行资产评估。

在依法取得中国法人资格的合作企业中，外国合作者的投资一般不低于合作企业注册资本的 25%。在不具有法人资格的合作企业中，对合作各方向合作企业投资或者提供合作条件的具体要求，由对外贸易经济合作部规定。

第十九条 合作各方应当以其自有的财产或者财产权利作为投资或者合作条件，对该投资或者合作条件不得设置抵押权或者其他形式的担保。

第二十条 合作各方应当根据合作企业的生产经营需要，依照有关法律、行政法规的规定，在合作企业合同中约定合作各方向合作企业投资或者提供合作条件的期限。

合作各方没有按照合作企业合同约定缴纳投资或者提供合作条件的，工商行政管理机关应当限期履行；限期届满仍未履行的，审查批准机关应当撤销合作企业的批准证书，工商行政管理机关应当吊销合作企业的营业执照，并予以公告。

第二十一条 未按照合作企业合同约定缴纳投资或者提供合作条件的一方，应当向已按照合作企业合同约定缴纳投资或者提供合作条件的他方承担违约责任。

第二十二条 合作各方缴纳投资或者提供合作条件后，应当由中国注册会计师验证并出具验资报告，由合作企业据以发给合作各方出资证明书。出资证明书应当载明下列事项：

（一）合作企业名称；

（二）合作企业成立日期；

(三) 合作各方名称或者姓名;

(四) 合作各方投资或者提供合作条件的内容;

(五) 合作各方投资或者提供合作条件的日期;

(六) 出资证明书的编号和核发日期。

出资证明书应当抄送审查批准机关及工商行政管理机关。

第二十三条 合作各方之间相互转让或者合作一方向合作他方以外的他人转让属于其在合作企业合同中全部或者部分权利的,须经合作他方书面同意,并报审查批准机关批准。

审查批准机关应当自收到有关转让文件之日起 30 天内决定批准或者不批准。

第五章 组织机构

第二十四条 合作企业设董事会或者联合管理委员会。董事会或者联合管理委员会是合作企业的权力机构,按照合作企业章程的规定,决定合作企业的重大问题。

第二十五条 董事会或者联合管理委员会成员不得少于 3 人,其名额的分配由中外合作者参照其投资或者提供的合作条件协商确定。

第二十六条 董事会董事或者联合管理委员会委员由合作各方自行委派或者撤换。董事会董事长、副董事长或者联合管理委员会主任、副主任的产生办法由合作企业章程规定;中外合作者的一方担任董事长、主任的,副董事长、副主任由他方担任。

第二十七条 董事或者委员的任期由合作企业章程规定;但是,每届任期不得超过 3 年。董事或者委员任期届满,委派方继续委派的,可以连任。

第二十八条 董事会会议或者联合管理委员会会议每年至少召开 1 次,由董事长或者主任召集并主持。董事长或者主任因特殊情况不能履行职务时,由董事长或者主任指定副董事长、副主任或者其他董事、委员召集并主持。1 / 3 以上董事或者委员可以提议召开董事会会议或者联合管理委员会会议。

董事会会议或者联合管理委员会会议应当有 2 / 3 以上董事或者委员出席方能举行,不能出席董事会会议或者联合管理委员会会议的董事或者委员应当书面委托他人代表其出席和表决。董事会会议或者联合管理委员会会议作出决议,须经全体董事或者委员的过半数通过。董事或者委员无正当理由不参加又不委托他人代表其参加董事会会议或者联合管理委员会会议的,视为出席董事会会议或者联合管理委员会会议并在表决中弃权。

召开董事会会议或者联合管理委员会会议,应当在会议召开的 10 天前通知全体董事或

者委员。董事会或者联合管理委员会也可以用通讯的方式作出决议。

第二十九条 下列事项由出席董事会会议或者联合管理委员会会议的董事或者委员一致通过，方可作出决议：

（一）合作企业章程的修改；

（二）合作企业注册资本的增加或者减少；

（三）合作企业的解散；

（四）合作企业的资产抵押；

（五）合作企业合并、分立和变更组织形式；

（六）合作各方约定由董事会会议或者联合管理委员会会议一致通过方可作出决议的其他事项。

第三十条 董事会或者联合管理委员会的议事方式和表决程序，除本实施细则规定的外，由合作企业章程规定。

第三十一条 董事长或者主任是合作企业的法定代表人。董事长或者主任因特殊原因不能履行职务时，应当授权副董事长、副主任或者其他董事、委员对外代表合作企业。

第三十二条 合作企业设总经理 1 人，负责合作企业的日常经营管理工作，对董事会或者联合管理委员会负责。

合作企业的总理由董事会或者联合管理委员会聘任、解聘。

第三十三条 总经理及其他高级管理人员可以由中国公民担任，也可以由外国公民担任。

经董事会或者联合管理委员会聘任，董事或者委员可以兼任合作企业的总经理或者其他高级管理职务。

第三十四条 总经理及其他高级管理人员不胜任工作任务的，或者有营私舞弊或者严重失职行为的，经董事会或者联合管理委员会决议，可以解聘；给合作企业造成损失的，应当依法承担责任。

第三十五条 合作企业成立后委托合作各方以外的他人经营管理的，必须经董事会或者联合管理委员会一致同意，并应当与被委托人签订委托经营管理合同。

合作企业应当将董事会或者联合管理委员会的决议、签订的委托经营管理合同，连同被委托人的资信证明等文件，一并报送审查批准机关批准。审查批准机关应当自收到有关文件

之日起 30 天内决定批准或者不批准。

第六章 购买物资和销售产品

第三十六条 合作企业按照经批准的经营范围和生产经营规模,自行制定生产经营计划。

政府部门不得强令合作企业执行政府部门确定的生产经营计划。

第三十七条 合作企业可以自行决定在中国境内或者境外购买本企业自用的机器设备、原材料、燃料、零部件、配套件、元器件、运输工具和办公用品等(以下简称“物资”)。

第三十八条 国家鼓励合作企业向国际市场销售其产品。合作企业可以自行向国际市场销售其产品,也可以委托国外的销售机构或者中国的外贸公司代销或者经销其产品。

合作企业销售产品的价格,由合作企业依法自主确定。

第三十九条 外国合作者作为投资进口的机器设备、零部件和其他物料以及合作企业用投资总额内的资金进口生产、经营所需的机器设备、零部件和其他物料,免征进口关税和进口环节的流转税。上述免税进口物资经批准在中国境内转卖或者转用于国内销售的,应当依法纳税或者补税。

第四十条 合作企业不得以明显低于合理的国际市场同类产品的价格出口产品,不得以高于国际市场同类产品的价格进口物资。

第四十一条 合作企业销售产品,应当按照经批准的合作企业合同的约定销售。

第四十二条 合作企业进口或者出口属于进出口许可证、配额管理的商品,应当按照国家有关规定办理申领手续。

第七章 分配收益与回收投资

第四十三条 中外合作者可以采用分配利润、分配产品或者合作各方共同商定的其他方式分配收益。

采用分配产品或者其他方式分配收益的,应当按照税法的有关规定,计算应纳税额。

第四十四条 中外合作者在合作企业合同中约定合作期限届满时,合作企业的全部固定资产无偿归中国合作者所有的,外国合作者在合作期限内可以申请按照下列方式先行回收其投资:

（一）在按照投资或者提供合作条件进行分配的基础上，在合作企业合同中约定扩大外国合作者的收益分配比例；

（二）经财政税务机关按照国家有关税收的规定审查批准，外国合作者在合作企业缴纳所得税前回收投资；

（三）经财政税务机关和审查批准机关批准的其他回收投资方式。

外国合作者依照前款规定在合作期限内先行回收投资的，中外合作者应当依照有关法律的规定和合作企业合同的约定，对合作企业的债务承担责任。

第四十五条 外国合作者依照本实施细则第四十四条第二项和第三项的规定提出先行回收投资的申请，应当具体说明先行回收投资的总额、期限和方式，经财政税务机关审查同意后，报审查批准机关审批。

合作企业的亏损未弥补前，外国合作者不得先行回收投资。

第四十六条 合作企业应当按照国家有关规定聘请中国注册会计师进行查帐验证。合作各方可以共同或者单方自行委托中国注册会计师查帐，所需费用由委托查帐方负担。

第八章 期限和解散

第四十七条 合作企业的期限由中外合作者协商确定，并在合作企业合同中订明。

合作企业期限届满，合作各方协商同意要求延长合作期限的，应当在期限届满的180天前向审查批准机关提出申请，说明原合作企业合同执行情况，延长合作期限的原因，同时报送合作各方就延长的期限内各方的权利、义务等事项所达成的协议。审查批准机关应当自接到申请之日起30天内，决定批准或者不批准。

经批准延长合作期限的，合作企业凭批准文件向工商行政管理机关办理变更登记手续，延长的期限从期限届满后的第一天起计算。

合作企业合同约定外国合作者先行回收投资，并且投资已经回收完毕的，合作企业期限届满不再延长；但是，外国合作者增加投资的，经合作各方协商同意，可以依照本条第二款的规定向审查批准机关申请延长合作期限。

第四十八条 合作企业因下列情形之一出现时解散：

（一）合作期限届满；

（二）合作企业发生严重亏损，或者因不可抗力遭受严重损失，无力继续经营；

（三）中外合作者一方或者数方不履行合作企业合同、章程规定的义务，致使合作企业无法继续经营；

（四）合作企业合同、章程中规定的其他解散原因已经出现；

（五）合作企业违反法律、行政法规，被依法责令关闭。

前款第二项、第四项所列情形发生，应当由合作企业的董事会或者联合管理委员会做出决定，报审查批准机关批准。在前款第三项所列情形下，不履行合作企业合同、章程规定的义务的中外合作者一方或者数方，应当对履行合同的他方因此遭受的损失承担赔偿责任；履行合同的一方或者数方有权向审查批准机关提出申请，解散合作企业。

第四十九条 合作企业的清算事宜依照国家有关法律、行政法规及合作企业合同、章程的规定办理。

第九章 关于不具有法人资格的合作企业的特别规定

第五十条 不具有法人资格的合作企业及其合作各方，依照中国民事法律的有关规定，承担民事责任。

第五十一条 不具有法人资格的合作企业应当向工商行政管理机关登记合作各方的投资或者提供的合作条件。

第五十二条 不具有法人资格的合作企业的合作各方的投资或者提供的合作条件，为合作各方分别所有。经合作各方约定，也可以共有，或者部分分别所有、部分共有。合作企业经营积累的财产，归合作各方共有。

不具有法人资格的合作企业合作各方的投资或者提供的合作条件由合作企业统一管理和使用。未经合作他方同意，任何一方不得擅自处理。

第五十三条 不具有法人资格的合作企业设立联合管理机构。联合管理机构由合作各方委派的代表组成，代表合作各方共同管理合作企业。

联合管理机构决定合作企业的一切重大问题。

第五十四条 不具有法人资格的合作企业应当在合作企业所在地设置统一的会计帐簿；合作各方还应当设置各自的会计帐簿。

第十章 附则

第五十五条 合作企业合同的订立、效力、解释、履行及其争议的解决，适用中国法

律。

第五十六条 本实施细则未规定的事项，包括合作企业的财务、会计、审计、外汇、税务、劳动管理、工会等，适用有关法律、行政法规的规定。

第五十七条 香港、澳门、台湾地区的公司、企业和其他经济组织或者个人以及在国外居住的中国公民举办合作企业，参照本实施细则办理。

第五十八条 本实施细则自发布之日起施行。

Law of the People's Republic of China on Chinese-Foreign Contractual Joint Ventures

Promulgation date: 10-31-2000 Department: Standing Committee of the National People's Congress

Effective date: 10-31-2000 Subject: Foreign-funded Enterprises

Law of the People's Republic of China on Chinese-Foreign Contractual Joint Ventures

(Adopted at the First Session of the Seventh National People's Congress, and revised according to the Decision on Modifying the Law of the People's Republic of China on Chinese-Foreign Contractual Joint Ventures adopted at the 18th Session of the Standing Committee of the Ninth National People's Congress on October 31, 2000, and promulgated by Order No.40 of the President of the People's Republic of China on October 31, 2000)

Article 1. This Law is formulated to expand economic cooperation and technological exchange with foreign countries and to promote the joint establishment, on the principle of equality and mutual benefit, by foreign enterprises and other economic organizations or individuals (hereinafter referred to as the foreign party) and Chinese enterprises or other economic organizations (hereinafter referred to as the Chinese party) of Chinese-foreign contractual joint ventures (hereinafter referred to as contractual joint ventures) within the territory of the People's Republic of China.

Article 2. In establishing a contractual joint venture, the Chinese and foreign parties shall, in accordance with the provisions of this Law, prescribe in their contractual joint venture contract such matters as the investment or conditions for cooperation, the distribution of earnings or products, the sharing of risks and losses, the manners of operation and management and the ownership of the property at the time of the termination of the contractual joint venture.

A contractual joint venture which meets the conditions for being considered a legal person under Chinese law, shall acquire the status of a Chinese legal person in accordance with law.

Article 3. The state shall, according to law, protect the lawful rights and interests of the contractual joint ventures and of the Chinese and foreign parties.

A contractual joint venture must abide by Chinese laws and regulations and must not injure the public interests of China.

The relevant state authorities shall exercise supervision over the contractual joint ventures according to law.

Article 4. The state shall encourage the establishment of productive contractual joint ventures that are export-oriented or technologically advanced.

Article 5. For the purpose of applying for the establishment of a contractual joint venture, such documents as the agreement, the contract and the articles of association signed by the Chinese and foreign parties shall be submitted for examination and approval to the department in charge of foreign economic relations and trade under the State Council or to the department or local government authorized by the State Council (hereinafter referred to as the examination and approval authority). The examination and approval authority shall, within 45 days of receiving the application, decide whether or not to grant approval.

Article 6. When the application for the establishment of a contractual joint venture is approved, the parties shall, within 30 days of receiving the certificate of approval, apply to the administrative authorities for industry and commerce for registration and obtain a business license. The date of issuance of the business license of a contractual joint venture shall be the date of its establishment.

A contractual joint venture shall, within 30 days of its establishment, carry out tax registration with the tax authorities.

Article 7. If the Chinese and foreign parties, during the period of operation of their contractual joint venture, agree through consultation to make major modifications to the contractual joint venture contract, they shall report to the examination and approval authority for approval, if the modifications include items involving statutory industry and commerce registration or tax registration, they shall register the modifications with the administrative authorities for industry and commerce and with the tax authorities.

Article 8. The investment or conditions for cooperation contributed by the Chinese and foreign parties may be provided in cash or in kind, or may include the right to the use of land, industrial property rights, non-patent technology or other property rights.

Article 9. The Chinese and foreign parties shall, in accordance with the provisions of the laws and regulations and the agreements in the contractual joint venture contract, duly fulfil their obligations of contributing full investment and providing the conditions for cooperation. In case of failure to do so within the prescribed time, the administrative authorities for industry and commerce shall set another time limit for the fulfilment of such obligations; if such obligations are still not fulfilled by the new time limit, the matter shall be handled by the examination and approval authority and the administrative authorities for industry and commerce according to relevant state provisions.

The investments or conditions for cooperation provided by the Chinese and foreign parties shall be verified by an accountant registered in China or the relevant authorities, who shall provide a certificate after verification.

Article 10. If a Chinese or foreign party wishes to make an assignment of all or part of its rights and obligations prescribed in the contractual joint venture contract, it must obtain the consent of the other party or parties and report to the examination and approval authority for approval.

Article 11. A contractual joint venture shall conduct its operational and managerial activities in accordance with the approved contract and articles of association for the contractual joint venture. The right of a contractual joint venture to make its own operational and managerial decisions shall not be interfered with.

Article 12. A contractual joint venture shall establish a board of directors or a joint managerial institution which shall, according to the contract or the articles of association for the contractual joint venture, decide on the major issues concerning the venture. If the Chinese or foreign party assumes the chairmanship of the board of directors or the directorship of the joint managerial institution, the other party shall assume the vice-chairmanship of the board or the deputy directorship of the joint managerial institution. The board of directors or the joint managerial institution may decide on the appointment or employment of a general manager, who shall take charge of the daily operation and management of the contractual joint venture. The general manager shall be accountable to the board of directors or the joint managerial institution.

If a contractual joint venture, after its establishment, chooses to entrust a third party with its operation and management, it must obtain the unanimous consent of the board of directors or the joint managerial institution, report to the examination and approval authority for approval, and register the change with the administrative authorities for industry and commerce.

Article 13. The employment, dismissal, remuneration, welfare, labour protection and labour insurance, etc. of the staff members and workers of a contractual joint venture shall be specified in contracts concluded in accordance with law.

Article 14. The staff and workers of a contractual joint venture shall, in accordance with law, establish their trade union organization to carry out trade union activities and protect their lawful rights and interests.

A contractual joint venture shall provide the necessary conditions for the venture's trade union to carry out its activities.

Article 15. A contractual joint venture must establish its account books within the territory of China, file its accounting statements according to relevant provisions and accept supervision by the financial and tax authorities.

If a contractual joint venture, in violation of the provisions prescribed in the preceding paragraph, does not establish its account books within the territory of China, the financial and tax authorities may impose a fine on it, and the administrative authorities for industry and commerce may order it to suspend its business operations or may revoke its business license.

Article 16. A contractual joint venture shall, by presenting its business license, open a foreign exchange account with a bank or any other financial institution which is permitted by the exchange control authorities of the state to conduct transactions in foreign exchange.

A contractual joint venture shall handle its foreign exchange transactions in accordance with the provisions of the state on foreign exchange control.

Article 17. A contractual joint venture may obtain loans from financial institutions within the territory of China and may also obtain loans outside the territory of China.

Loans to be used by the Chinese and foreign parties as investment or conditions for cooperation, and their guarantees, shall be provided by each party on its own.

Article 18. The various kinds of insurance coverage of a contractual joint venture shall be furnished by insurance institutions within the territory of China.

Article 19. A contractual joint venture may, within its approved scope of operation, import materials it needs and export products it produces. A contractual joint venture may purchase the raw and processed materials, fuels, etc. needed, within its approved scope of operation, on the domestic market or the world market, according to the principles of fairness and reasonableness.

Article 20. A contractual joint venture shall, in accordance with state provisions on tax, pay taxes and may enjoy the preferential treatment of tax reduction or exemption.

Article 21. The Chinese and foreign parties shall share earnings or products, undertake risks and losses in accordance with the agreements prescribed in the contractual joint venture contract.

If, upon the expiration of the period of a venture's operation, all the fixed assets of the contractual joint venture, as agreed upon by the Chinese and foreign parties in the contractual joint venture contract, are to belong to the Chinese party, the Chinese and foreign parties may prescribe in the contractual joint venture contract the ways for the foreign party to recover its investment ahead of time during the period of the venture's operation. If the foreign party, as agreed upon in the contractual joint venture contract, is to recover its investment prior to the payment of income tax, it must apply to the financial and tax authorities, which shall examine and approve the application in accordance with state provisions concerning taxes.

If, according to the provisions of the preceding paragraph, the foreign party is to recover its investment ahead of time during the period of the venture's operation, the Chinese and foreign parties shall, as stipulated by the relevant laws and agreed in the contractual joint venture contract, be liable for the debts of the venture.

Article 22. After the foreign party has fulfilled its obligations under the law and the contractual joint venture contract, the profits it receives as its share, its other legitimate income and the funds it receives as its share upon the termination of the venture, may be remitted abroad according to law.

The wages, salaries or other legitimate income earned by the foreign staff and workers of contractual joint ventures, after the payment of the individual income tax according to law, may be

remitted abroad.

Article 23. Upon the expiration or termination in advance of the term of a contractual joint venture, its assets, claims and debts shall be liquidated according to legal procedures. The Chinese and foreign parties shall, in accordance with the agreement specified in the contractual joint venture contract, determine the ownership of the venture's property.

A contractual joint venture shall, upon the expiration or termination in advance of its term, cancel its registration with the administrative authorities for industry and commerce and the tax authorities.

Article 24. The period of operation of a contractual joint venture shall be determined through consultation by the Chinese and foreign parties and shall be clearly specified in the contractual joint venture contract. If the Chinese and foreign parties agree to extend the period of operation, they shall apply to the examination and approval authority 180 days prior to the expiration of the venture's term. The examination and approval authority shall decide whether or not to grant approval within 30 days of receiving the application.

Article 25. Any dispute between the Chinese and foreign parties arising from the execution of the contract or the articles of association for a contractual joint venture shall be settled through consultation or mediation. In case of a dispute which the Chinese or the foreign party is unwilling to settle through consultation or mediation, or of a dispute which they have failed to settle through consultation or mediation, the Chinese and foreign parties may submit it to a Chinese arbitration agency or any other arbitration agency for arbitration in accordance with the arbitration clause in the contractual joint venture contract or a written agreement on arbitration concluded afterwards.

The Chinese or foreign party may bring a suit in a Chinese court, if no arbitration clause is provided in the contractual joint venture contract and if no written agreement is concluded afterwards.

Article 26. The detailed rules for the implementation of this Law shall be formulated by the department in charge of foreign economic relations and trade under the State Council and reported to the State Council for approval before implementation.

Article 27. This Law shall come into force as of the date of its promulgation.

中华人民共和国中外合作经营企业法(2000修正)

发布日期： 2000-10-31 发布部门： 全国人大常委会

生效日期： 2000-10-31 类 别： 外商投资企业

中华人民共和国主席令

(第四十号)

《全国人民代表大会常务委员会关于修改〈中华人民共和国中外合作经营企业法〉的决定》已由中华人民共和国第九届全国人民代表大会常务委员会第十八次会议于2000年10月31日通过，现予公布，自公布之日起施行。

中华人民共和国主席 江泽民

2000年10月31日

中华人民共和国中外合作经营企业法

(1988年4月13日第七届全国人民代表大会第一次会议通过 根据2000年10月31日第九届全国人民代表大会常务委员会第十八次会议《关于修改〈中华人民共和国中外合作经营企业法〉的决定》修正 2000年10月31日中华人民共和国主席令第40号公布)

第一条 为了扩大对外经济合作和技术交流,促进外国的企业和其他经济组织或者个人(以下简称外国合作者)按照平等互利的原则,同中华人民共和国的企业或者其他经济组织(以下简称中国合作者)在中国境内共同举办中外合作经营企业(以下简称合作企业),特制定本法。

(相关资料: 修订沿革 条文释义 相关论文2篇 实务指南)

第二条 中外合作者举办合作企业,应当依照本法的规定,在合作企业合同中约定投资或者合作条件、收益或者产品的分配、风险和亏损的分担、经营管理的方式和合作企业终止时财产的归属等事项。

合作企业符合中国法律关于法人条件的规定的,依法取得中国法人资格。

(相关资料:裁判文书4篇 修订沿革 条文释义 相关论文3篇 实务指南)

第三条 国家依法保护合作企业和中外合作者的合法权益。

合作企业必须遵守中国的法律、法规,不得损害中国的社会公共利益。

国家有关机关依法对合作企业实行监督。

(相关资料:裁判文书2篇 修订沿革 条文释义 实务指南)

第四条 国家鼓励举办产品出口的或者技术先进的生产型合作企业。

(相关资料:修订沿革 条文释义 相关论文2篇 实务指南)

第五条 申请设立合作企业,应当将中外合作者签订的协议、合同、章程等文件报国务院对外经济贸易主管部门或者国务院授权的部门和地方政府(以下简称审查批准机关)审查批准。审查批准机关应当自接到申请之日起四十五天内决定批准或者不批准。

(相关资料:地方法规2篇 裁判文书6篇 修订沿革 条文释义 实务指南)

第六条 设立合作企业的申请经批准后,应当自接到批准证书之日起三十天内向工商行政管理机关申请登记,领取营业执照。合作企业的营业执照签发日期,为该企业的成立日期。

合作企业应当自成立之日起三十天内向税务机关办理税务登记。

(相关资料:地方法规2篇 修订沿革 条文释义 实务指南)

第七条 中外合作者在合作期限内协商同意对合作企业合同作重大变更的,应当报审查批准机关批准;变更内容涉及法定工商登记项目、税务登记项目的,应当向工商行政管理机关、税务机关办理变更登记手续。

(相关资料: 地方法规 1 篇 裁判文书 5 篇 修订沿革 条文释义 实务指南)

第八条 中外合作者的投资或者提供的合作条件可以是现金、实物、土地使用权、工业产权、非专利技术和其他财产权利。

(相关资料: 地方法规 1 篇 裁判文书 2 篇 修订沿革 条文释义 相关论文 4 篇 实务指南)

第九条 中外合作者应当依照法律、法规的规定和合作企业合同的约定,如期履行缴足投资、提供合作条件的义务。逾期不履行的,由工商行政管理机关限期履行;限期届满仍未履行的,由审查批准机关和工商行政管理机关依照国家有关规定处理。

中外合作者的投资或者提供的合作条件,由中国注册会计师或者有关机构验证并出具证明。

(相关资料: 部门规章 1 篇 地方法规 1 篇 裁判文书 3 篇 修订沿革 条文释义 相关论文 1 篇 实务指南)

第十条 中外合作者的一方转让其在合作企业合同中的全部或者部分权利、义务的,必须经他方同意,并报审查批准机关批准。

(相关资料: 案例 1 篇 裁判文书 6 篇 修订沿革 条文释义 实务指南)

第十一条 合作企业依照经批准的合作企业合同、章程进行经营管理活动。合作企业的经营管理自主权不受干涉。

(相关资料: 裁判文书 3 篇 修订沿革 条文释义 实务指南)

第十二条 合作企业应当设立董事会或者联合管理机构,依照合作企业合同或者章程的规定,决定合作企业的重大问题。中外合作者的一方担任董事会的董事长、联合管理机构的主任的,由他方担任副董事长、副主任。董事会或者联合管理机构可以决定任命或者聘请总经理负责合作企业的日常经营管理工作。总经理对董事会或者联合管理机构负责。

合作企业成立后改为委托中外合作者以外的他人经营管理的,必须经董事会或者联合管

理机构一致同意，报审查批准机关批准，并向工商行政管理机关办理变更登记手续。

(相关资料: 地方法规 1 篇 修订沿革 条文释义 相关论文 1 篇 实务指南)

第十三条 合作企业职工의录用、辞退、报酬、福利、劳动保护、劳动保险等事项，应当依法通过订立合同加以规定。

(相关资料: 修订沿革 条文释义 实务指南)

第十四条 合作企业的职工依法建立工会组织，开展工会活动，维护职工的合法权益。

合作企业应当为本企业工会提供必要的活动条件。

(相关资料: 裁判文书 2 篇 修订沿革 条文释义 实务指南)

第十五条 合作企业必须在中国境内设置会计帐簿，依照规定报送会计报表，并接受财政税务机关的监督。

合作企业违反前款规定，不在中国境内设置会计帐簿的，财政税务机关可以处以罚款，工商行政管理机关可以责令停止营业或者吊销其营业执照。

(相关资料: 地方法规 1 篇 修订沿革 条文释义 实务指南)

第十六条 合作企业应当凭营业执照在国家外汇管理机关允许经营外汇业务的银行或者其他金融机构开立外汇帐户。

合作企业的外汇事宜，依照国家有关外汇管理的规定办理。

(相关资料: 修订沿革 条文释义 实务指南)

第十七条 合作企业可以向中国境内的金融机构借款，也可以在中国境外借款。

中外合作者用作投资或者合作条件的借款及其担保，由各方自行解决。

(相关资料: 修订沿革 条文释义 实务指南)

第十八条 合作企业的各项保险应当向中国境内的保险机构投保。

(相关资料: 修订沿革 条文释义 实务指南)

第十九条 合作企业可以在经批准的经营范围內,进口本企业需要的物资,出口本企业生产的产品。合作企业在经批准的经营范围內所需的原材料、燃料等物资,按照公平、合理的原则,可以在国内市场或者在国际市场购买。

(相关资料:修订沿革 条文释义 相关论文 1 篇 实务指南)

第二十条 合作企业依照国家有关税收的规定缴纳税款并可以享受减税、免税的优惠待遇。

(相关资料:修订沿革 条文释义 实务指南)

第二十一条 中外合作者依照合作企业合同的约定,分配收益或者产品,承担风险和亏损。

中外合作者在合作企业合同中约定合作期满时合作企业的全部固定资产归中国合作者所有的,可以在合作企业合同中约定外国合作者在合作期限内先行回收投资的办法。合作企业合同约定外国合作者在缴纳所得税前回收投资的,必须向财政税务机关提出申请,由财政税务机关依照国家有关税收的规定审查批准。

依照前款规定外国合作者在合作期限内先行回收投资的,中外合作者应当依照有关法律的规定和合作企业合同的约定对合作企业的债务承担责任。

(相关资料:地方法规 1 篇 裁判文书 2 篇 修订沿革 条文释义 实务指南)

第二十二条 外国合作者在履行法律规定和合作企业合同约定的义务后分得的利润、其他合法收入和合作企业终止时分得的资金,可以依法汇往国外。

合作企业的外籍职工的工资收入和其他合法收入,依法缴纳个人所得税后,可以汇往国外。

(相关资料:裁判文书 4 篇 修订沿革 条文释义 实务指南)

第二十三条 合作企业期满或者提前终止时,应当依照法定程序对资产和债权、债务进

行清算。中外合作者应当依照合作企业合同的约定确定合作企业财产的归属。

合作企业期满或者提前终止，应当向工商行政管理机关和税务机关办理注销登记手续。

(相关资料: 地方法规 1 篇 裁判文书 3 篇 修订沿革 条文释义 实务指南)

第二十四条 合作企业的合作期限由中外合作者协商并在合作企业合同中订明。中外合作者同意延长合作期限的，应当在距合作期满一百八十天前向审查批准机关提出申请。审查批准机关应当自接到申请之日起三十天内决定批准或者不批准。

(相关资料: 部门规章 1 篇 裁判文书 2 篇 修订沿革 条文释义 实务指南)

第二十五条 中外合作者履行合作企业合同、章程发生争议时，应当通过协商或者调解解决。中外合作者不愿通过协商、调解解决的，或者协商、调解不成的，可以依照合作企业合同中的仲裁条款或者事后达成的书面仲裁协议，提交中国仲裁机构或者其他仲裁机构仲裁。

中外合作者没有在公司企业合同中订立仲裁条款，事后又没有达成书面仲裁协议的，可以向中国法院起诉。

(相关资料: 修订沿革 条文释义 相关论文 1 篇 实务指南)

第二十六条 国务院对外经济贸易主管部门根据本法制定实施细则，报国务院批准后施行。

(相关资料: 裁判文书 2 篇 修订沿革 条文释义)

第二十七条 本法自公布之日起施行。

附：中华人民共和国中外合资经营企业法（第二次修正）

（1979年7月1日第五届全国人民代表大会第二次会议通过 根据1990年4月4日第七届全国人民代表大会第三次会议《关于修改〈中华人民共和国中外合资经营企业法〉的决定》修正 根据2001年3月15日第九届全国人民代表大会第四次会议《关于修改〈中华人民共和国中外合资经营企业法〉的决定》第二次修正）

第一条 中华人民共和国为了扩大国际经济合作和技术交流，允许外国公司、企业和其它经济组织或个人（以下简称外国合营者），按照平等互利的原则，经中国政府批准，在中华人民共和国境内，同中国的公司、企业或其它经济组织（以下简称中国合营者）共同举办合营企业。

第二条 中国政府依法保护外国合营者按照经中国政府批准的协议、合同、章程在合营企业的投资、应分得的利润和其它合法权益。

合营企业的一切活动应遵守中华人民共和国法律、法规的规定。

国家对合营企业不实行国有化和征收；在特殊情况下，根据社会公共利益的需要，对合营企业可以依照法律程序实行征收，并给予相应的补偿。

第三条 合营各方签订的合营协议、合同、章程，应报国家对外经济贸易主管部门（以下称审查批准机关）审查批准。审查批准机关应在三个月内决定批准或不批准。合营企业经批准后，向国家工商行政管理主管部门登记，领取营业执照，开始营业。

第四条 合营企业的形式为有限责任公司。

在合营企业的注册资本中，外国合营者的投资比例一般不低于百分之二十五。

合营各方按注册资本比例分享利润和分担风险及亏损。

合营者的注册资本如果转让必须经合营各方同意。

第五条 合营企业各方可以现金、实物、工业产权等进行投资。

外国合营者作为投资的技术和设备，必须确实是适合我国需要的先进技术和设备。如果有意以落后的技术和设备进行欺骗，造成损失的，应赔偿损失。

中国合营者的投资可包括为合营企业经营期间提供的场地使用权。如果场地使用权未作为中国合营者投资的一部分，合营企业应向中国政府缴纳使用费。

上述各项投资应在合营企业的合同和章程中加以规定，其价格（场地除外）由合营各方评议商定。

第六条 合营企业设董事会，其人数组成由合营各方协商，在合同、章程中确定，并由合营各方委派和撤换。董事长和副董事长由合营各方协商确定或由董事会选举产生。中外合营者的一方担任董事长的，由他方担任副董事长。董事会根据平等互利的原则，决定合营企业的重大问题。

董事会的职权是按合营企业章程规定，讨论决定合营企业的一切重大问题：企业发展规划、生产经营活动方案、收支预算、利润分配、劳动工资计划、停业，以及总经理、副总经理、总工程师、总会计师、审计师的任命或聘请及其职权和待遇等。

正副总经理（或正副厂长）由合营各方分别担任。

合营企业职工录用、辞退、报酬、福利、劳动保护、劳动保险等事项，应当依法通过订立合同加以规定。

第七条 合营企业的职工依法建立工会组织，开展工会活动，维护职工的合法权益。

合营企业应当为本企业工会提供必要的活动条件。

第八条 合营企业获得的毛利润，按中华人民共和国税法规定缴纳合营企业所得税后，

扣除合营企业章程规定的储备基金、职工奖励及福利基金、企业发展基金，净利润根据合营各方注册资本的比例进行分配。

合营企业依照国家有关税收的法律和行政法规的规定，可以享受减税、免税的优惠待遇。

外国合营者将分得的净利润用于在中国境内再投资时，可申请退还已缴纳的部分所得税。

第九条 合营企业应凭营业执照在国家外汇管理机关允许经营外汇业务的银行或其它金融机构开立外汇帐户。

合营企业的有关外汇事宜，应遵照中华人民共和国外汇管理条例办理。

合营企业在其经营活动中，可直接向外国银行筹措资金。

合营企业的各项保险应向中国境内的保险公司投保。

第十条 合营企业在批准的经营范围所需的原材料、燃料等物资，按照公平、合理的原则，可以在国内市场或者在国际市场购买。

鼓励合营企业向中国境外销售产品。出口产品可由合营企业直接或与其有关的委托机构向国外市场出售，也可通过中国的外贸机构出售。合营企业产品也可在中国市场销售。

合营企业需要时可在中国境外设立分支机构。

第十一条 外国合营者在履行法律和协议、合同规定的义务后分得的净利润，在合营企业期满或者中止时所分得的资金以及其它资金，可按合营企业合同规定的货币，按外汇管理条例汇往国外。

鼓励外国合营者将可汇出的外汇存入中国银行。

第十二条 合营企业的外籍职工的工资收入和其它正当收入，按中华人民共和国税法缴纳个人所得税后，可按外汇管理条例汇往国外。

第十三条 合营企业的合营期限，按不同行业、不同情况，作不同的约定。有的行业的合营企业，应当约定合营期限；有的行业的合营企业，可以约定合营期限，也可以不约定合营期限。约定合营期限的合营企业，合营各方同意延长合营期限的，应在距合营期满六个月前向审查批准机关提出申请。审查批准机关应自接到申请之日起一个月内决定批准或不批准。

第十四条 合营企业如发生严重亏损、一方不履行合同和章程规定的义务、不可抗力等，经合营各方协商同意，报请审查批准机关批准，并向国家工商行政管理主管部门登记，可终止合同。如果因违反合同而造成损失的，应由违反合同的一方承担经济责任。

第十五条 合营各方发生纠纷，董事会不能协商解决时，由中国仲裁机构进行调解或仲裁，也可由合营各方协议在其它仲裁机构仲裁。

合营各方没有在合同中订有仲裁条款的或者事后没有达成书面仲裁协议的，可以向人民法院起诉。

第十六条 本法自公布之日起生效。

3. Law of the People's Republic of China on Chinese-Foreign Equity

Joint Ventures

(Adopted at the Second Session of the Fifth National People's Congress on July 1, 1979, amended according to the Decision on Amendment of the Law of the People's Republic of China on Chinese-Foreign Equity Joint Ventures made at the Third Session of the Seventh National People's Congress on April 4, 1990, and amended for the second time according to the Decision on Amendment to the Law of the People's Republic of China on Chinese-Foreign Equity Joint Ventures adopted at the Fourth Session of the Ninth National People's Congress on March 15, 2001)

Article 1 With a view to expanding international economic cooperation and technological exchange, the People's Republic of China permits foreign companies, enterprises, other economic organizations or individuals (hereinafter referred to as "foreign joint venturers") to establish equity joint ventures together with Chinese companies, enterprises or other economic organizations (hereinafter referred to as "Chinese joint venturers") within the territory of the People's Republic of China, on the principle of equality and mutual benefit, and subject to approval by the Chinese Government.

Article 2 The Chinese Government protects, according to law, the investment of foreign joint ventures, the profits due them and their other lawful rights and interests in an equity joint venture, pursuant to the agreement, contract and articles of association approved by the Chinese Government.

In its activities, an equity joint venture shall comply with the provisions of the laws and regulations of the People's Republic of China.

The State shall not nationalize or requisition any equity joint venture. Under special circumstances, when public interests require, equity joint ventures may be requisitioned by following legal procedures and appropriate compensation shall be made.

Article 3 The equity joint venture agreement, contract and articles of association signed by the parties to the venture shall be submitted to the State's competent department in charge of foreign economic relations and trade (hereinafter referred to as the examination and approval authorities) for examination and approval. The examination and approval authorities shall decide to approve or disapprove the venture within three months. When approved, the equity joint venture shall register with the State's competent department in charge of industry and commerce administration, acquire a business license and start operations.

Article 4 An equity joint venture shall take the form of a limited liability company.

The proportion of the foreign joint venturer's investment in an equity joint venture shall be, in general, not less than 25 percent of its registered capital.

The parties to the venture shall share the profits, risks and losses in proportion to their contributions to the registered capital.

If any of the joint venturers wishes to assign its registered capital, it must obtain the consent of the other parties to the venture.

Article 5 The parties to an equity joint venture may make their investment in cash, in kind or in industrial property rights, etc.

The technology and equipment contributed by a foreign joint venturer as its investment must be really advanced technology and equipment that suit China's needs. In case of losses caused by a foreign joint venturer in its practising deception through the intentional provision of outdated technology and equipment, it shall compensate for the losses.

A Chinese joint venturer's investment may include the right to the use of a site provided for the equity joint venture during the period of its operation. If the right to the use of the site is not taken as a part of the Chinese joint venturer's investment, the equity joint venture shall pay the Chinese Government for its use.

The above-mentioned investments shall be specified in the contract and articles of association of the equity joint venture, and their value (excluding that of the site) shall be assessed by all parties to the venture.

Article 6 An equity joint venture shall have a board of directors; the number of the directors thereof from each party and the composition of the board shall be stipulated in the contract and articles of association after consultation among the parties to the venture; such directors shall be appointed and replaced by the relevant parties. The chairman and the vice-chairman (vice-chairmen) shall be determined through consultation by the parties to the venture or elected by the board of directors. If the Chinese side or the foreign side assumes the office of the chairman, the other side shall assume the office(s) of the vice-chairman (vice-chairmen). The board of directors shall decide on important issues concerning the joint venture on the principle of equality and mutual benefit.

The functions and powers of the board of directors are, as stipulated in the articles of association of the equity joint venture, to discuss and decide all major issues concerning the venture, namely, the venture's development plans, proposals for production and business operations, the budget for revenues and expenditures, the distribution of profits, the plans concerning manpower and wages, the termination of business, and the appointment or employment of the general manager, the vice-general manager(s), the chief engineer, the treasurer and the auditors, as well as the determination of their functions, powers and terms of employment, etc.

The offices of general manager and vice-general manager(s) (or factory manager and deputy manager(s)) shall be assumed by the respective parties to the venture.

The employment, discharge, remuneration, welfare benefits, occupational protection, labor insurance and other matters of the workers and staff members of an equity joint

venture shall be stipulated in accordance with law in the contract concluded by the parties.

Article 7 The workers and staff members of an equity joint venture shall, in accordance with law, establish a trade union to carry out trade union activities and safeguard their lawful rights and interests.

The equity joint venture shall provide the necessary conditions for the trade union to conduct activities.

Article 8 The net profit of an equity joint venture shall be distributed among the parties to the venture in proportion to their respective contributions to the registered capital, after payment out of its gross profit of the equity joint venture income tax, pursuant to the provisions of the tax laws of the People's Republic of China, and after deductions from the gross profit of a reserve fund, a bonus and welfare fund for workers and staff members and a venture expansion fund, as stipulated in the venture's articles of association.

An equity joint venture may, in accordance with the provisions of the relevant laws and administrative regulations of the State on taxation, enjoy preferential treatment of tax reductions or exemptions.

A foreign joint venturer that reinvests its share of the net profit within Chinese territory may apply for a partial refund of the income tax already paid.

Article 9 An equity joint venture shall, by presenting its business license, open a foreign exchange account with a bank or any other financial institution which is permitted by the State agency for foreign exchange control to handle foreign exchange transactions.

An equity joint venture shall handle its foreign exchange transactions in accordance with the regulations on foreign exchange control of the People's Republic of China.

An equity joint venture may, in its business operations, directly raise funds from foreign banks.

The various kinds of insurance coverage of an equity joint venture shall be furnished by insurance companies established within the territory of China.

Article 10 An equity joint venture may, in adherence to the principles of fairness and rationality, purchase on both the Chinese and the world market the raw materials, fuels and other materials it needs within the approved scope of operation.

An equity joint venture shall be encouraged to market its products outside China. It may sell its export products on foreign markets directly or through associated entrusted agencies or China's foreign trade agencies. Its products may also be sold on the Chinese market.

When necessary, an equity joint venture may set up branches and subbranches outside China.

Article 11 The net profit which a foreign joint venturer receives as its share after performing its obligations under the laws, and the agreements or the contract, the funds it receives upon the expiration of the venture's term of operation or the suspension thereof, and its other funds may be remitted abroad in accordance with foreign exchange control regulations and in the currency or currencies specified in the contract concerning the equity joint venture.

A foreign joint venturer shall be encouraged to deposit in the Bank of China the foreign exchange which it is entitled to remit abroad.

Article 12 The wages, salaries or other legitimate income earned by a foreign worker or staff member of an equity joint venture, after payment of the individual income tax under the tax laws of the People's Republic of China, may be remitted abroad in accordance with foreign exchange control regulations.

Article 13 Based on different lines of trade and different circumstances, arrangements for the duration of equity joint ventures may be made differently through agreement by the parties to the venture. Equity joint ventures engaged in certain lines of trade shall specify their duration in the contracts, while equity joint ventures engaged in certain other lines of trade may choose to or not to specify their duration in the contracts. Where an equity joint venture has had its duration specified and the parties to the venture agree to extend the duration, the venture shall file an application for the purpose with the examination and approval authorities six months before its expiration. The examination and approval authorities shall, within one month after receipt of the application, decide on its approval or disapproval.

Article 14 In case of heavy losses, or failure of a party to perform its obligations under the contract and the articles of association, or force majeure, etc., the parties to the joint venture may, subject to their agreement through consultation, approval of their report by the examination and approval authorities and registration with the State's competent department in charge of industry and commerce administration, terminate the contract. In case of losses caused by a breach of contract, the party that has breached the contract shall bear the economic responsibilities.

Article 15 Disputes arising between the parties to an equity joint venture which the board of directors has failed to settle through consultation may be settled through conciliation or arbitration by an arbitration agency of China or through arbitration by another arbitration agency agreed upon by the parties.

Where the parties to an equity joint venture fail to stipulate an arbitration clause in the contract or does not reach a written arbitration agreement afterwards, they may bring a lawsuit to the People's Court.

Article 16 This Law shall go into effect as of the date of promulgation.

Law of the People's Republic of China on Foreign-funded Enterprises

Promulgation date: 10-31-2000

Effective date: 10-31-2000

Department: STANDING COMMITTEE OF THE NATIONAL PEOPLE'S CONGRESS

Subject: ENTERPRISES WITH FOREIGN INVESTMENT

Order of the President of the People's Republic of China

(No.41)

The Decision of the Standing Committee of the National People's Congress on Modifying the Law of the People's Republic of China on Foreign-funded Enterprises, which was adopted at the 18th Meeting of the Standing Committee of the Ninth National People's Congress on October 31, 2000, is hereby promulgated and shall come into force on the day of promulgation.

Jiang Zemin, President of the People's Republic of China

October 31, 2000

Law of the People's Republic of China on Foreign-funded Enterprises

(Adopted at the 4th Meeting of the Sixth National People's Congress on April 12, 1986, amended in accordance with the Decision on Modifying the Law of the People's Republic of China on Foreign-funded Enterprises adopted at 18th Meeting of the Standing Committee of the Ninth National People's Congress on October 31, 2000, and promulgated by Order No. 41 of the President of the People's Republic of China on October 31, 2000)

Article 1. With a view to expanding economic cooperation and technical exchange with foreign countries and promoting the development of China's national economy, the People's Republic of China permits foreign enterprises, other foreign economic organizations and individuals (hereinafter collectively referred to as "foreign investors") to set up foreign-funded enterprises in China and protects the legitimate rights and interests of such enterprises.

Article 2. As mentioned in this Law, "foreign-funded enterprises" refers to those enterprises established in China by foreign investors, exclusively with their own capital, in accordance with relevant Chinese laws. The term does not include branches set up in China by foreign enterprises and other foreign economic organizations.

Article 3. Foreign-funded enterprises shall be established in such a manner as to help the development of China's national economy. The state encourages the establishment of foreign-funded enterprises that export their products or have advanced technologies.

Provisions shall be made by the State Council regarding the lines of business which the state forbids foreign-funded enterprises to engage in or on which it places certain restrictions.

Article 4. The investments of a foreign investor in China, the profits it earns and its other lawful

rights and interests are protected by Chinese law.

Foreign-funded enterprises must abide by Chinese laws and regulations and must not engage in any activities detrimental to China's public interest.

Article 5. The state shall not nationalize or requisition any foreign-funded enterprise. Under special circumstances, when public interest requires, foreign-funded enterprises may be requisitioned by legal procedures and appropriate compensation shall be made.

Article 6. The application to establish a foreign-funded enterprise shall be submitted for examination and approval to the department under the State Council in charge of foreign trade and economic cooperation, or to any other agency authorized by the State Council. The authorities in charge of examination and approval shall, within 90 days from the date it receives such application, decide whether or not to grant approval.

Article 7. After an application for the establishment of a foreign-funded enterprises has been approved, the foreign investor shall, within 30 days from the date of receiving a certificate of approval, apply to the industry and commerce administration authority for registration and obtain a business license. The date of issuance of the business license shall be the date of the establishment of the enterprise.

Article 8. An enterprise with foreign capital which meets the conditions for being considered a legal person under Chinese law shall acquire the status of a Chinese legal person, in accordance with the law.

Article 9. A foreign-funded enterprise shall make investments in China within the period approved by the authorities in charge of examination and approval. If it fails to do so, the industry and commerce administration authority may cancel its business license.

The industry and commerce administration authority shall inspect and supervise the investment situation of a foreign-funded enterprise.

Article 10. In the event of a split, merger or other major change, a foreign-funded enterprise shall report to and seek approval from the authorities in charge of examination and approval, and register the change with the industry and commerce administration authority.

Article 11. Foreign-funded enterprises shall conduct their operations and management in accordance with the approved articles of association, and shall be free from any interference.

Article 12. When employing Chinese workers and staff, a foreign-funded enterprise shall conclude contracts with them according to law, in which matters concerning employment, dismissal, remuneration, welfare benefits, labor protection and labor insurance shall be clearly prescribed.

Article 13. Workers and staff of a foreign-funded enterprise may organize trade unions in

accordance with the law so as to conduct trade union activities and protect their lawful rights and interests.

The enterprises shall provide the necessary conditions for the activities of the trade unions in their respective enterprises.

Article 14. A foreign-funded enterprise must set up account books in China, conduct independent accounting, submit the financial reports and statements as required and accept supervision by the financial and tax authorities.

If a foreign-funded enterprise refuses to keep account books in China, the financial and tax authorities may impose a fine on it, and the industry and commerce administration authority may order it to suspend operations or may revoke its business license.

Article 15. Within the approved scope of the operations, foreign-funded enterprises may, according to the principles of fairness and reason, purchase raw and semi-processed materials, fuels and other materials they need either in China or from the world market.

Article 16. Foreign-funded enterprises shall apply to insurance companies in China for such kinds of insurance coverage as are needed.

Article 17. Foreign-funded enterprises shall pay taxes in accordance with relevant state provisions for tax payment, and may enjoy preferential treatment for reduction of or exemption from taxes.

A foreign-funded enterprise that reinvests in China its profits after paying the income tax, may, in accordance with relevant state provisions, apply for refund of a part of the income tax already paid on the reinvested amount.

Article 18. Foreign-funded enterprises shall handle their foreign exchange transactions in accordance with the state provisions for foreign exchange control.

Foreign-funded enterprises shall open an account with the Bank of China or with a bank designated by the state agency exercising foreign exchange control.

Article 19. Foreign investors may remit abroad profits that are lawfully earned from a foreign-funded enterprise, as well as other lawful earnings and any funds remaining after the enterprise is liquidated.

Wages, salaries and other legitimate income earned by foreign employees in a foreign-funded enterprise may be remitted abroad after the payment of individual income tax in accordance with the law.

Article 20. With respect to the term of operations of a foreign-funded enterprise, the foreign investor shall report to and secure approval from the authorities in charge of examination and

approval. For an extension of the term of operations, an application shall be submitted to the said authorities 180 days before the expiration of the period. The authorities in charge of examination and approval shall, within 30 days from the date such application is received, decide whether or not to grant the extension.

Article 21. When terminating its operations, a foreign-funded enterprise shall promptly issue a public notice and proceed with liquidation in accordance with legal procedure.

Pending the completion of liquidation, a foreign investor may not dispose of the assets of the enterprise except for the purpose of liquidation.

Article 22. At the termination of operations, the foreign-funded enterprise shall nullify its registration with the industry and commerce administration authority and hand in its business license for cancellation.

Article 23. The department under the State Council which is in charge of foreign economic relations and trade shall, in accordance with this Law, formulate rules for its implementation, which shall go into effect after being submitted to and approved by the State Council.

Article 24. This Law shall go into effect on the day of its promulgation.

中华人民共和国外资企业法

(1986 年 4 月 12 日第六届全国人民代表大会第四次会议通过 根据 2000 年 10 月 31 日第九届全国人民代表大会常务委员会第十八次会议《[关于修改〈中华人民共和国外资企业法〉的决定](#)》修正 2000 年 10 月 31 日中华人民共和国主席令第 41 号发布)

第一条 为了扩大对外经济合作和技术交流 , 促进中国国民经济的发展 , 中华人民共和国允许外国的企业和其他经济组织或者个人 (以下简称外国投资者) 在中国境内举办外资企业 , 保护外资企业的合法权益。

第二条 本法所称的外资企业是指依照中国有关法律在中国境内设立的全部资本由外国投资者投资的企业 , 不包括外国的企业和其他经济组织在中国境内的分支机构。

第三条 设立外资企业 , 必须有利于中国国民经济的发展。国家鼓励举办产品出口或者技术先进的外资企业。

国家禁止或者限制设立外资企业的行业由国务院规定。

第四条 外国投资者在中国境内的投资、获得的利润和其他合法权益，受中国法律保护。

外资企业必须遵守中国的法律、法规，不得损害中国的社会公共利益。

第五条 国家对外资企业不实行国有化和征收；在特殊情况下，根据社会公共利益的需要，对外资企业可以依照法律程序实行征收，并给予相应的补偿。

第六条 设立外资企业的申请，由国务院对外经济贸易主管部门或者国务院授权的机关审查批准。审查批准机关应当在接到申请之日起九十天内决定批准或者不批准。

第七条 设立外资企业的申请经批准后，外国投资者应当在接到批准证书之日起三十天内向工商行政管理机关申请登记，领取营业执照。外资企业的营业执照签发日期，为企业成立日期。

第八条 外资企业符合中国法律关于法人条件的规定的，依法取得中国法人资格。

第九条 外资企业应当在审查批准机关核准的期限内在中国境内投资；逾期不投资的，工商行政管理机关有权吊销营业执照。

工商行政管理机关对外资企业的投资情况进行检查和监督。

第十条 外资企业分立、合并或者其他重要事项变更，应当报审查批准机关批准，并向工商行政管理机关办理变更登记手续。

第十一条 外资企业依照经批准的章程进行经营管理活动，不受干涉。

第十二条 外资企业雇用中国职工应当依法签订合同，并在合同中订明雇用、解雇、报酬、福利、劳动保护、劳动保险等事项。

第十三条 外资企业的职工依法建立工会组织，开展工会活动，维护职工的合法权益。

外资企业应当为本企业工会提供必要的活动条件。

第十四条 外资企业必须在中国境内设置会计帐簿，进行独立核算，按照规定报送会计报表，并接受财政税务机关的监督。

外资企业拒绝在中国境内设置会计帐簿的，财政税务机关可以处以罚款，工商行政管理机关可以责令停止营业或者吊销营业执照。

第十五条 外资企业在批准的经营范围内所需的原材料、燃料等物资，按照公平、合理的原则，可以在国内市场或者在国际市场购买。

第十六条 外资企业的各项保险应当向中国境内的保险公司投保。

第十七条 外资企业依照国家有关税收的规定纳税并可以享受减税、免税的优惠待遇。

外资企业将缴纳所得税后的利润在中国境内再投资的，可以依照国家规定申

请退还再投资部分已缴纳的部分所得税税款。

第十八条 外资企业的外汇事宜，依照国家外汇管理规定办理。

外资企业应当在中国银行或者国家外汇管理机关指定的银行开户。

第十九条 外国投资者从外资企业获得的合法利润、其他合法收入和清算后的资金，可以汇往国外。

外资企业的外籍职工的工资收入和其他正当收入，依法缴纳个人所得税后，可以汇往国外。

第二十条 外资企业的经营期限由外国投资者申报，由审查批准机关批准。期满需要延长的，应当在期满一百八十天以前向审查批准机关提出申请。审查批准机关应当在接到申请之日起三十天内决定批准或者不批准。

第二十一条 外资企业终止，应当及时公告，按照法定程序进行清算。

在清算完结前，除为了执行清算外，外国投资者对企业财产不得处理。

第二十二条 外资企业终止，应当向工商行政管理机关办理注销登记手续，缴销营业执照。

第二十三条 国务院对外经济贸易主管部门根据本法制定实施细则，报国务院批准后施行。

第二十四条 本法自公布之日起施行。

中华人民共和国价格法

（1997 年 12 月 29 日第八届全国人民代表大会常务委员会第二十九次会议通过 1997 年 12 月 29 日中华人民共和国主席令第九十二号公布 自 1998 年 5 月 1 日起施行）

目 录

第一章 总 则

第二章 经营者的价格行为

第三章 政府的定价行为

第四章 价格总水平调控

第五章 价格监督检查

第六章 法律责任

第七章 附 则

第一章 总 则

第一条 为了规范价格行为，发挥价格合理配置资源的作用，稳定市场价格总水平，保护消费者和经营者的合法权益，促进社会主义市场经济健康发展，制定本法。

第二条 在中华人民共和国境内发生的价格行为，适用本法。

本法所称价格包括商品价格和服务价格。

商品价格是指各类有形产品和无形资产的价格。

服务价格是指各类有偿服务的收费。

第三条 国家实行并逐步完善宏观经济调控下主要由市场形成价格的机制。价格的制定应当符合价值规律，大多数商品和服务价格实行市场调节价，极少数商品和服务价格实行政府指导价或者政府定价。

市场调节价，是指由经营者自主制定，通过市场竞争形成的价格。

本法所称经营者是指从事生产、经营商品或者提供有偿服务的法人、其他组织和个人。

政府指导价，是指依照本法规定，由政府价格主管部门或者其他有关部门，按照定价权限和范围规定基准价及其浮动幅度，指导经营者制定的价格。

政府定价，是指依照本法规定，由政府价格主管部门或者其他有关部门，按照定价权限和范围制定的价格。

第四条 国家支持和促进公平、公开、合法的市场竞争，维护正常的价格秩序，对价格活动实行管理、监督和必要的调控。

第五条 国务院价格主管部门统一负责全国的价格工作。国务院其他有关部门在各自的职责范围内，负责有关的价格工作。

县级以上地方各级人民政府价格主管部门负责本行政区域内的价格工作。县级以上地方各级人民政府其他有关部门在各自的职责范围内，负责有关的价格工作。

第二章 经营者的价格行为

第六条 商品价格和服务价格，除依照本法第十八条规定适用政府指导价或者政府定价外，实行市场调节价，由经营者依照本法自主制定。

第七条 经营者定价，应当遵循公平、合法和诚实信用的原则。

第八条 经营者定价的基本依据是生产经营成本和市场供求状况。

第九条 经营者应当努力改进生产经营管理，降低生产经营成本，为消费者提供价格合理的商品和服务，并在市场竞争中获取合法利润。

第十条 经营者应当根据其经营条件建立、健全内部价格管理制度，准确记录与核定商品和服务的生产经营成本，不得弄虚作假。

第十一条 经营者进行价格活动，享有下列权利：

- （一）自主制定属于市场调节的价格；
- （二）在政府指导价规定的幅度内制定价格；
- （三）制定属于政府指导价、政府定价产品范围内的新产品的试销价格，特定产品除外；
- （四）检举、控告侵犯其依法自主定价权利的行为。

第十二条 经营者进行价格活动，应当遵守法律、法规，执行依法制定的政府指导价、政府定价和法定的价格干预措施、紧急措施。

第十三条 经营者销售、收购商品和提供服务，应当按照政府价格主管部门的规定明码标价，注明商品的品名、产地、规格、等级、计价单位、价格或者服务的项目、收费标准等有关情况。

经营者不得在标价之外加价出售商品，不得收取任何未予标明的费用。

第十四条 经营者不得有下列不正当价格行为：

- （一）相互串通，操纵市场价格，损害其他经营者或者消费者的合法权益；
- （二）在依法降价处理鲜活商品、季节性商品、积压商品等商品外，为了排挤竞争对手或者独占市场，以低于成本的价格倾销，扰乱正常的生产经营秩序，损害国家利益或者其他经营者的合法权益；
- （三）捏造、散布涨价信息，哄抬价格，推动商品价格过高上涨的；
- （四）利用虚假的或者使人误解的价格手段，诱骗消费者或者其他经营者与其进行交易；

（五）提供相同商品或者服务，对具有同等交易条件的其他经营者实行价格歧视；

（六）采取抬高等级或者压低等级等手段收购、销售商品或者提供服务，变相提高或者压低价格；

（七）违反法律、法规的规定牟取暴利；

（八）法律、行政法规禁止的其他不正当价格行为。

第十五条 各类中介机构提供有偿服务收取费用，应当遵守本法的规定。法律另有规定的，按照有关规定执行。

第十六条 经营者销售进口商品、收购出口商品，应当遵守本章的有关规定，维护国内市场秩序。

第十七条 行业组织应当遵守价格法律、法规，加强价格自律，接受政府价格主管部门的工作指导。

第三章 政府的定价行为

第十八条 下列商品和服务价格，政府在必要时可以实行政府指导价或者政府定价：

（一）与国民经济发展和人民生活关系重大的极少数商品价格；

（二）资源稀缺的少数商品价格；

（三）自然垄断经营的商品价格；

（四）重要的公用事业价格；

（五）重要的公益性服务价格。

第十九条 政府指导价、政府定价的定价权限和具体适用范围，以中央的和地方的定价目录为依据。

中央定价目录由国务院价格主管部门制定、修订，报国务院批准后公布。

地方定价目录由省、自治区、直辖市人民政府价格主管部门按照中央定价目录规定的定价权限和具体适用范围制定，经本级人民政府审核同意，报国务院价格主管部门审定后公布。

省、自治区、直辖市人民政府以下各级地方人民政府不得制定定价目录。

第二十条 国务院价格主管部门和其他有关部门，按照中央定价目录规定的定价权限和具体适用范围制定政府指导价、政府定价；其中重要的商品和服务价格的政府指导价、政府定价，应当按照规定经国务院批准。

省、自治区、直辖市人民政府价格主管部门和其他有关部门，应当按照地方定价目录规定的定价权限和具体适用范围制定在本地区执行的政府指导价、政府定价。

市、县人民政府可以根据省、自治区、直辖市人民政府的授权，按照地方定价目录规定的定价权限和具体适用范围制定在本地区执行的政府指导价、政府定价。

第二十一条 制定政府指导价、政府定价，应当依据有关商品或者服务的社会平均成本和市场供求状况、国民经济与社会发展要求以及社会承受能力，实行合理的购销差价、批零差价、地区差价和季节差价。

第二十二条 政府价格主管部门和其他有关部门制定政府指导价、政府定价，应当开展价格、成本调查，听取消费者、经营者和有关方面的意见。

政府价格主管部门开展对政府指导价、政府定价的价格、成本调查时，有关单位应当如实反映情况，提供必需的帐簿、文件以及其他资料。

第二十三条 制定关系群众切身利益的公用事业价格、公益性服务价格、自然垄断经营的商品价格等政府指导价、政府定价，应当建立听证会制度，由政府价格主管部门主持，征求消费者、经营者和有关方面的意见，论证其必要性、可行性。

第二十四条 政府指导价、政府定价制定后，由制定价格的部门向消费者、经营者公布。

第二十五条 政府指导价、政府定价的具体适用范围、价格水平，应当根据经济运行情况，按照规定的定价权限和程序适时调整。

消费者、经营者可以对政府指导价、政府定价提出调整建议。

第四章 价格总水平调控

第二十六条 稳定市场价格总水平是国家重要的宏观经济政策目标。国家根据国民经济发展的需要和社会承受能力，确定市场价格总水平调控目标，列入国民经济和社会发展规划，并综合运用货币、财政、投资、进出口等方面的政策和措施，予以实现。

第二十七条 政府可以建立重要商品储备制度，设立价格调节基金，调控价格，稳定市场。

第二十八条 为适应价格调控和管理的需要，政府价格主管部门应当建立价格监测制度，对重要商品、服务价格的变动进行监测。

第二十九条 政府在粮食等重要农产品的市场购买价格过低时，可以在收购中实行保护价格，并采取相应的经济措施保证其实现。

第三十条 当重要商品和服务价格显著上涨或者有可能显著上涨，国务院和省、自治区、直辖市人民政府可以对部分价格采取限定差价率或者利润率、规定限价、实行提价申报制度和调价备案制度等干预措施。

省、自治区、直辖市人民政府采取前款规定的干预措施，应当报国务院备案。

第三十一条 当市场价格总水平出现剧烈波动等异常状态时，国务院可以在全国范围内或者部分区域内采取临时集中定价权限、部分或者全面冻结价格的紧急措施。

第三十二条 依照本法第三十条、第三十一条的规定实行干预措施、紧急措施的情形消除后，应当及时解除干预措施、紧急措施。

第五章 价格监督检查

第三十三条 县级以上各级人民政府价格主管部门，依法对价格活动进行监督检查，并依照本法的规定对价格违法行为实施行政处罚。

第三十四条 政府价格主管部门进行价格监督检查时，可以行使下列职权：

（一）询问当事人或者有关人员，并要求其提供证明材料和与价格违法行为有关的其他资料；

（二）查询、复制与价格违法行为有关的帐簿、单据、凭证、文件及其他资料，核对与价格违法行为有关的银行资料；

（三）检查与价格违法行为有关的财物，必要时可以责令当事人暂停相关营业；

（四）在证据可能灭失或者以后难以取得的情况下，可以依法先行登记保存，当事人或者有关人员不得转移、隐匿或者销毁。

第三十五条 经营者接受政府价格主管部门的监督检查时，应当如实提供价格监督检查所必需的帐簿、单据、凭证、文件以及其他资料。

第三十六条 政府部门价格工作人员不得将依法取得的资料或者了解的情况用于依法进行价格管理以外的任何其他目的，不得泄露当事人的商业秘密。

第三十七条 消费者组织、职工价格监督组织、居民委员会、村民委员会等组织以及消费者，有权对价格行为进行社会监督。政府价格主管部门应当充分发挥群众的价格监督作用。

新闻单位有权进行价格舆论监督。

第三十八条 政府价格主管部门应当建立对价格违法行为的举报制度。

任何单位和个人均有权对价格违法行为进行举报。政府价格主管部门应当对举报者给予鼓励，并负责为举报者保密。

第六章 法律责任

第三十九条 经营者不执行政府指导价、政府定价以及法定的价格干预措施、紧急措施的，责令改正，没收违法所得，可以并处违法所得五倍以下的罚款；没有违法所得的，可以处以罚款；情节严重的，责令停业整顿。

第四十条 经营者有本法第十四条所列行为之一的，责令改正，没收违法所得，可以并处违法所得五倍以下的罚款；没有违法所得的，予以警告，可以并处罚款；情节严重的，责令停业整顿，或者由工商行政管理机关吊销营业执照。有关法律对本法第十四条所列行为的处罚及处罚机关另有规定的，可以依照有关法律的规定执行。

有本法第十四条第（一）项、第（二）项所列行为，属于是全国性的，由国务院价格主管部门认定；属于是省及省以下区域性的，由省、自治区、直辖市人民政府价格主管部门认定。

第四十一条 经营者因价格违法行为致使消费者或者其他经营者多付价款的，应当退还多付部分；造成损害的，应当依法承担赔偿责任。

第四十二条 经营者违反明码标价规定的，责令改正，没收违法所得，可以并处五千元以下的罚款。

第四十三条 经营者被责令暂停相关营业而不停止的，或者转移、隐匿、销毁依法登记保存的财物的，处相关营业所得或者转移、隐匿、销毁的财物价值一倍以上三倍以下的罚款。

第四十四条 拒绝按照规定提供监督检查所需资料或者提供虚假资料的，责令改正，予以警告；逾期不改正的，可以处以罚款。

第四十五条 地方各级人民政府或者各级人民政府有关部门违反本法规定，超越定价权限和范围擅自制定、调整价格或者不执行法定的价格干预措施、紧急措施的，责令改正，并可以通报批评；对直接负责的主管人员和其他直接责任人员，依法给予行政处分。

第四十六条 价格工作人员泄露国家秘密、商业秘密以及滥用职权、徇私舞弊、玩忽职守、索贿受贿，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，依法给予处分。

第七章 附 则

第四十七条 国家行政机关的收费，应当依法进行，严格控制收费项目，限定收费范围、标准。收费的具体管理办法由国务院另行制定。

利率、汇率、保险费率、证券及期货价格，适用有关法律、行政法规的规定，不适用本法。

第四十八条 本法自 1998 年 5 月 1 日起施行。

PRICE LAW OF THE PEOPLE'S REPUBLIC OF CHINA

(Issued on December 29, 1997 and by President's decree of PRC (No. 92). Adopted at the 29th Meeting of the Standing Committee of the Eight National People's Congress and implementation as of May 1, 1998.)

CONTENTS

CHAPTER ONE	GENERAL PROVISIONS
CHAPTER TWO	PRICE BEHAVIOR OF BUSINESS OPERATORS
CHAPTER THREE	PRICE BEHAVIOR OF GOVERNMENT
CHAPTER FOUR	CONTROL AND ADJUSTMENT TO GENERAL PRICE LEVEL
CHAPTER FIVE	MONITORING AND CHECKING OF PRICES
CHAPTER SIX	LEGAL LIABILITIES
CHAPTER SEVEN	SUPPLEMENTARY PROVISIONS

CHAPTER ONE GENERAL PROVISIONS

Article 1 This law is formulated with a view to standardizing price behavior so as to strengthen their role in rational disposition of resources, stabilize the general price level of the market, protect the lawful rights and interests of consumers and business operators and then promote the healthy development of the socialist market economy.

Article 2 The law is applicable to all the price behaviors that occur within the territory of the People's Republic of China.

The term "price" used in the law includes prices of all kinds of merchandise and prices of all kinds of services.

The term "price of merchandise" refers to the prices of all kinds of tangible and non-tangible assets.

The term "price of services" refers to fees collected for services rendered.

Article 3 The State shall introduce and gradually improve the mechanism of regulation of prices mainly through market force and under a kind of macroeconomic control. Under such a mechanism, pricing should be made to accord with the value law with most of the merchandises

and services to adopt market regulated prices while only a few of them to be put under government-set or guided prices.

Market-regulated prices refer to prices fixed independently by business operators through market competition.

"Business operator" used in this law refers to legal persons, other organizations or individuals that engage in production or marketing of merchandises or provide paid services.

Government-guided prices refer to prices as fixed by business operators according to benchmark prices and range of the prices as set by the government department in charge of price or other related departments within their term of reference.

Government-set prices as fixed by the government department in charge of prices or related departments within their term of reference according to the provisions of this law.

Article 4 The State shall support and prompt fair, open and legal market competition, maintain normal price order and exercise administration, regulation and necessary control over conduct of prices.

Article 5 The State Council department in charge of prices shall be responsible for the administration of the work related to prices in the whole country and other related departments shall be responsible for such work within their terms of reference.

Price departments of the people's governments at and above the county level shall be responsible for the work related to prices within the regions under their jurisdiction. Price departments of the people's governments at and above the county level shall be responsible for the work related to prices within their terms of reference.

CHAPTER TWO PRICE BEHAVIOR OF BUSINESS OPERATORS

Article 6 Prices of all merchandises and services, except those as set in Article 18 of this law to adopt government-set or guided prices, shall be subject to market regulation to be fixed by business operators independently according to the provisions of this law.

Article 7 In fixing prices, business operators should follow the principle of fairness, lawfulness, honesty and trustworthiness.

Article 8 Prices should be fixed by business operators basing on the cost of production or operation and market supply and demand.

Article 9 Business operators should strive for a better management to their own production and business operations so as to lower cost and provide consumers with merchandises and services at reasonable prices while obtaining lawful profits in market competition.

Article 10 Business operators should establish and improve their system of internal price management, accurately record and verify the cost of production or operations for their merchandise or services, in which any deception or forgery is not allowed.

Article 11 Operators shall enjoy the following rights in pricing:

1. To fix prices that are subject to market regulation;
2. To fix prices within the guided range as set by the government;
3. To fix prices for new products which are subject to government-set or guided prices, except special products for trial sales; and
4. To report or claim against actions that have infringe upon their rights of independent pricing.

Article 12 In their work related to prices, business operators should strictly keep up with laws, regulations, government guided-prices, government-set prices, legal price intervention measures and emergency measures adopted by the government according to law.

Article 13 In marketing and purchasing merchandises or providing services, business operators should clearly tap the related prices, specify names, places of origin, specifications, grades, price units, prices or items, fee collection standards and other related information according to the government's regulations.

Business operators must not sell merchandises at prices above the marked prices or collect fees not specified.

Article 14 Business operators must not act whatsoever in the following ways to effect abnormal price behaviors:

1. To work collaboratively with others to control market prices to great detriments to the lawful rights and interests of other business operators or consumers;
2. To engage in dumping sales (except the cases of sales of fresh and live merchandises, seasonal merchandises and stockpiled merchandises at discount) at below cost prices in order to attain an upper hand over rivals or dominate the market and disrupt the normal production and operation

order to great detriments to the interests of the State or the lawful rights and interests of other business operators;

3. To fabricate and spread price rise information for pushing up the prices to excessively high level;
4. To resort to deceitful or misleading means in terms of prices to entice consumers or other business operators into trading in terms of prices;
5. To discriminate in terms of prices same kinds of merchandises or services offered by certain business operators under same trading conditions;
6. To disguisely raise or lower prices at irrational ranges by artificially raising or lowering grades of merchandises or services;
7. To seek exorbitant profits in violation of laws and regulations; and
8. To effect other illicit price behaviors that are forbidden by law or administrative decrees.

Article 15 In collecting fees for services rendered, all intermediary organizations should abide by the provisions of this law, except otherwise provided by other laws.

Article 16 In a bid to keep the domestic market order, business operators must observe related provisions of this chapter in selling imported merchandises or purchasing export merchandises.

Article 17 Organizations of various sectors should abide by laws and regulations governing prices, persist in self-discipline with regard to prices and accept guidance from government price departments.

CHAPTER THREE PRICE BEHAVIOR OF GOVERNMENT

Article 18 The government shall issue government-set or guided prices for the following merchandises and services if necessary:

1. The few merchandises that are of great importance to development of the national economy and the people's livelihood;
2. The few merchandises that are in shortage of resources;
3. Merchandises of monopoly in nature;
4. Important public utilities;
5. Important services of public welfare in nature.

Article 19 Scope of specific items and uses for government-set or guided prices shall depend on the price catalogs issued by the central and local governments.

Catalogs of central government-set prices shall be fixed and revised by the price department of the State Council and published after the approval of the State Council.

Catalogs of prices to be set by departments of the people's governments of provinces, autonomous regions and municipalities within their power according to scope of specific items and uses as set in the central price catalog could be published with the examination and approval of the people's governments at the same level.

Local people's governments below the provincial, autonomous regional and municipal level shall not make their own price catalogs.

Article 20 State Council price department and other related departments shall fix government-set and guided prices according to scope of items and uses as set in the central prices and the government-set and guided prices for major merchandises and services shall get the approval from the State Council.

Price departments and other related departments of the people's governments of provinces, autonomous regions and municipalities shall fix indicative local government-set and guided prices within their respective power according to scope of items and uses as set in the local price catalogs.

People's governments of cities and counties may fix government-set and guided prices for their localities within their own power according to scope of items and uses as prescribed in the local price catalogs.

Article 21 Government-set and guided prices shall be fixed according to the average cost and market supply and demand of related merchandises or services, the economic and social development and the affordance of the people, allowing rational price differentials between buying and selling, between wholesale and retail sale, among different regions and different seasons.

Article 22 In fixing government-set and guided prices, price departments and other related departments shall carry out investigations into prices and costs and hear views from consumers, business operators and other quarters.

Upon investigated by government price departments and related departments in terms of prices and costs, related units should provide true fact and necessary books, documents and other materials.

Article 23 In fixing government-set and guided prices for public utilities services of public welfare in nature and the prices for merchandises of monopoly in nature that are important to immediate interest of people public hearings presided over by government price department should be conveyed to solicit views from consumers, business operators and other quarters to explore the necessity and feasibility.

Article 24 After the government-set and guided prices are determined, they shall be made public by the price departments.

Article 25 The scope and level of the government-set and guided prices shall properly be adjusted in the light of the operation of the national economy.

Consumers and business operators may put forward their recommendations with regard to the adjustment of the government-set and guided prices.

CHAPTER FOUR CONTROL AND ADJUSTMENT TO GENERAL PRICE LEVEL

Article 26 To stabilize the general price level is one of the major objectives of macro-economic policy. The State shall set targets for the monitoring and adjustment of general price level in the light of the requirements of the development of the national economy and the endurance of the people, list them into the national economic and social development programs and help their realization through means of monetary, fiscal, investment and import and export policies and measures.

Article 27 The government shall build a major merchandise reserve system and establish a price regulation fund to control prices and stabilize the market.

Article 28 In order to better control prices, government price departments shall establish a price monitoring system to monitor changes in the prices of major merchandises and services.

Article 29 Whereas the selling prices of grain and other major farm produce are too low on the market, the government shall introduce protective prices and adopt corresponding measures to ensure the protective prices be put into effect.

Article 30 Whereas prices of major merchandises or services rise sharply or are likely to rise sharply, the State Council and the people's governments of provinces, autonomous regions and municipalities may set limit at disparity of prices or rate of profitability for part of the

merchandises, fix price ceilings or introduce other measures for intervention such as a system for announcing or recording price rises.

After adoption of above-mentioned intervention measures, provincial, autonomous regional and municipal people's governments should report to the State Council for the record.

Article 31 When such abnormalities as violent fluctuation in the general price level occur nationwide, the State Council shall introduce power for the concentrated fixation of prices in the whole country or part of the regions for the time being or adopt such emergency measures as freezing part or all prices.

Article 32 The intervention or emergency measures introduced according to the provisions of Article 30 and Article 31 shall be removed or lifted in time when the situations that call for such measures disappear.

CHAPTER FIVE MONITORING AND CHECKING OF PRICES

Article 33 The price departments of the people's governments at and above the county level exercise monitoring and checking over pricing activities according to law and mete out administrative punishments on acts that violate the law.

Article 34 In exercising monitoring and checking of prices, government price departments shall exercise the following powers:

1. To inquire into people concerned or related personnel and demand for evidences or other materials relating to law-violating acts;
2. To look into and duplicate account books, bills, vouchers, documents or other materials related to price law violating acts and verify banking materials associated with price law violating acts.
3. To check property related to the price law violating acts and, if necessary, order the people concerned to stop business operation.
4. To register and keep some evidences that are liable to be destroyed or kept out of hand or is hard to obtain for which people concerned or related personnel must not in any case remove, hide or destroy.

Article 35 In accepting the monitoring and checking by government price departments, business operators should provide their account books, bills and vouchers, documents or other materials needed for such monitoring and checking.

Article 36 The personnel of government prices departments are wholly prohibited to use materials or information obtained according to law for purposes other than price control or reveal business secrets of the people concerned.

Article 37 Consumer organizations, workers' price monitoring organizations, neighborhood committees, village committees and consumers have the right to exercise monitoring over price activities. Government price departments should give a full play to the monitoring roles of the people.

Medias have the right to mobilize public opinion for the monitoring of prices.

Article 38 Government price departments shall establish a system for reporting acts of violation of the price law.

Any unit or individual has the right to report acts of violation of price law and the government price departments shall encourage such reporting and undertake to keep secret what concerns concerning the reporters.

CHAPTER SIX LEGAL LIABILITIES

Article 39 Business operators who refuse to implement the government-set or guided prices, legal price intervention measures or emergency measures shall be ordered to correct, have their illegal proceeds confiscated and be fined concurrently for an amount less than five times the illegal proceeds. In cases of no illegal proceeds involved, a fine may still be imposed. For serious cases, they shall be ordered to stop business operation and make correction.

Article 40 Business operators who have violated one of the acts listed in Article 14 of this law shall be ordered to correct, have their illegal proceeds confiscated and be fined concurrently for an amount less than five times the illegal proceeds. In cases of no illegal proceeds involved, a warning shall be issued, together with a fine. For serious cases, they shall be ordered to stop operation for correction or have their business licenses revoked.

If other laws have stipulations concerning the punishments for acts listed in Article 14 of this law, the related laws shall prevail. Whether acts listed in 1, 2 of Article 14 and are of national in nature shall be upon the judgment of the State Council price department and whether the acts are regional in nature, they shall be confirmed by price departments of provincial, autonomous regional and municipal people's governments.

Article 41 Whereas business operators have caused overpayment by consumers or other business operators in violation of price law, the part in excess of the due payment shall be returned. If damages are done, the business operators shall undertake to compensate for the losses.

Article 42 Whereas business operators violate the provisions about price marking, they shall be ordered to correct, have their proceeds confiscated and be fined concurrently for an amount of less than RMB5,000.

Article 43 For business operators who refuse to stop operation for correction as ordered or remove, hide or destroy things recorded for keeping according to law, a fine ranging from over one time to less than three times the value of the things removed, hidden or destroyed shall be imposed.

Article 44 Business operators who refuse to provide materials needed for price monitoring and checking or provide false materials shall be ordered to correct, with a warning. Whereas they refuse to correct within the prescribed time limit, a fine shall be imposed.

Article 45 Whereas local people's governments at all levels or related government departments at all levels fix or adjust prices beyond their terms of reference or refuse to implement price intervention measures or emergency measures shall be ordered to correct and may be criticized by issuing circulars. People in charge or related people directly responsible shall be given administrative punishments according to law.

Article 46 Whereas government personnel in charge of prices have leaked state secrets, commercial secrets or abused their power, resort to deception for personal gains, commit dereliction of duty or accept bribes and the cases are serious enough as to constitute crimes, criminal responsibilities shall be affixed. If a case is not serious enough to constitute a crime, an administrative punishment shall be meted out.

CHAPTER SEVEN SUPPLEMENTARY PROVISIONS

Article 47 State administrative organs shall collect fees strictly according to law, limit fee collection items and scope and standards of fee collection. Specific administration methods for such fee collection shall be provided for separately by the State Council.

Interest rates, exchange rates, insurance premium rates, securities and futures prices shall be subject to related laws or administrative decrees instead of this law.

Article 48 The law shall come into force as of May 1, 1998.

Guidelines of the Eleventh Five-Year Plan for National Economic and Social Development

(Full Text)

The Guidelines of the Eleventh Five-Year (2006~2010) Plan of the People's Republic of China for the National Economic and Social Development is compiled according to the "Suggestions of the Central Committee of the Communist Party of China on the Formulation of the Eleventh Five-Year Plan for National Economic and Social Development" and its main purpose is to clarify the national strategic intention, define the key emphasis in the government work and guide the behaviour of market subject. It is the magnificent blue print of China's economic and social development, it is the common program of action of our people of all nationalities and it is the important basis for the government to fulfil the responsibility of economic adjustment, market control and surveillance, social management and public service.

Part 1 Guiding Principle and Development Objective

Chapter 1 The Critical Period of Building a Well-off Society in an All-Round Way

The Tenth Five-Year Plan period was extraordinary five years. The overall national strength of our country was enhanced significantly, the people's living standard was considerably improved and international standing was apparently raised. In the face of complicated and varied foreign and domestic situations, with the joint effort of the people of nationalities, we effectively suppressed the unstable and unsound factors occurring in economic operation, successfully defeated the challenge of SARS epidemic situation and major natural disasters and calmly responded to the new change following the accession to WTO. National economy was continuously and rapidly developing and the major development objectives determined in the Tenth Five-Year Plan were achieved ahead of schedule. Industrialization, urbanization, marketization and internationalization steps were accelerated and economic restructuring was constantly deepened. Foreign trade stepped forward, national financial revenue was greatly increased, total price level maintained basically stable, urban and rural people's lives were further improved, national unity was continuously consolidated, various social causes and national defence and army construction made new progress and socialist democratic political and spiritual civilization construction continued to be strengthened. The more important is that the Party Central Committee proposed the major strategic concept. These have laid a solid foundation for the development in the Eleventh Five-Year Plan period. Looking forward to the future, we are standing on a new historical start point.

Special Column 1: Achievement of Major Indicators in the Tenth Five-Year Plan				
Indicator	2000	Objective of Tenth Five-Year Plan	2005	Annual average growth in the Tenth Five-Year Plan (%)
Annual average growth of gross domestic product (%)		7		9.5
Additional jobs in cities and towns in the five years (10,000persons)		[4000]		[4200]
Transfer of agricultural labor force in the five years (10,000persons)		[4000]		[4000]
Registered rate of unemployment in cities and towns (%)	3.1	5	4.2	
General level of prices		Basically stable		1.4
Total export import volume of goods (100 million USD)	4743	6800	14221	24.6
Proportion of appropriation expenditure in research and test development in gross domestic product (%)	0.9	1.5	1.3	
Gross enrollment ratio of higher education (%)	11.5	15	21	
Gross enrollment ratio of senior high school (%)	42.8	60	53	
Gross enrollment ratio of junior high school (%)	88.6	90	95	

Total national population (10,000 person)	126743	133000	130756	6.3%
Reduction of total discharge of major pollutants (%)		[10]		<[10]
Annual average growth of per capita disposable income of urban residents (%)		5		9.6
Annual average growth of per capita net income of rural residents (%)		5		5.3
Per capita residential building area of urban residents (m ²)	20.3	22	26	5.1
Note: the proportion of appropriation expenditure in research and test development in gross domestic product was 1.55% according to the data before general economic survey; those marked with [] are accumulated values in the five years.				

The Eleventh Five-Year Plan period is the critical period of building a well-off society in an all-round way and has the historical status of linking the preceding and the following. It both faced rare opportunities and had austere challenges.

China has the favourable conditions for maintaining stable and rapid economic development and harmonious social progress. The accelerated upgrading of consumption structure of urban residents will drive the rapid industrial restructuring and rapid urbanization development and thus the market potential is enormous. China has abundant labour force resources and relatively high rate of national savings. Its infrastructure is continuously improved, industrial ability to provide the auxiliary items is relatively strong, scientific and technological education has relatively good foundation and long term social and political stability is maintained. Its reform is advancing in depth and socialist market economic system is gradually improved, which will further excite social vitality and development impetus. Peace, development and cooperation become the tide of the present time and the comparison of world political power is conducive to maintaining the overall stability of international environment. Economic globalization trend is developing deeply, scientific and technological progress changes quickly and production element flow and industrial transfer are accelerated. The interrelation and mutual influence between China and world economy is increasingly deepened, the two markets, domestic and world, and the two resources compliment each other and external environment as a whole is favourable to China's development.

Still main difficulties and problems exist in our advancing road. China is and will be in the preliminary socialist stage for a long time, the productive force is not developed and some endured deep level development-restricting contradicts still exists: farmland, fresh water, energy and important mineral resources are relatively insufficient, ecological environment is relatively vulnerable, economic structure is irrational, the task to resolve the three dimensional rural issues is very arduous, employment pressure is still great, the independent scientific and technological innovation ability is not strong and system and mechanism obstruction affecting the development needs urgent resolution. In the rapid development of the Tenth Five-Year Plan period, some new major problems emerged: uncoordinated investment and consumption relationship, blind expansion of some industries, superfluous capacity, slow transformation of economic growth mode, excessive energy resource consumption, aggravated environmental pollution, continuous expansion of development gap between urban and rural areas and between regions and income difference between some social members and backward development of social causes; there are still many factors affecting social stability. international environment is complicated and changeful and the unstable, indeterminate factors affecting peace and development are increased, the pressure that developed countries have the whip hand in economy and science and technology will exist for a long time, unbalance of world economy development will be aggravated, competition in resources, markets, techniques and talents will be more intense and trade protectionism will have new manifestation. All these will challenge China's economic and social development and safety.

In the critical period with the coexistence of strategic opportunity and contradiction, we must have high historical sense of responsibility, strong awareness of hardship and broad international sight, accurately grasp the phase characteristic of China's development, base ourselves on scientific development, put forth effort to innovate independently, improve system and mechanism, promote social harmony, fully enhance China's overall national strength, international competitive capacity

and anti-risk ability, open up a new situation of socialist economic construction, political construction, cultural construction and social construction, and lay a solid foundation for the smooth development in the next ten years and do all we can to push forward China's characteristic socialist cause.

Chapter 2 Implement the Scientific Concept of Development in an All-Round Way

The Eleventh Five-Year Plan period will promote the national economy to develop continuously, rapidly and healthily and the society to progress in an all-round way. We shall be guided by Deng Xiaoping's Theory and the important thought of Three Represents and command the overall social development with the scientific concept of development. Adhere to that development is the fundamental principle. Adhere to giving priority to the development in governing and rejuvenating the country, adhere to concentrating on economic growth and adhere to resolving the problems cropping up on our way forward through development and reform. Development must be scientific development. We shall keep human as fundamentality, change development concept, innovate development model, improve development quality and implement the "Five Overall Planning" and turn the economic and social development onto the track of comprehensive and coordinated sustainable development. We shall adhere to the following principles:

Maintain stable and fast economic development. We shall further expand domestic demand, adjust investment and consumption relationship, rationally control investment scale and enhance the driving action of consumption on economic growth. Correctly comprehend the change of economic development trend, maintain the basic balance of the total amount of social supply and demand, avoid major economic fluctuations and realize rapid and good development.

- Accelerate the change of economic growth mode. We shall take resource conservation as a basic national policy, develop recycle economy, protect ecological environment, accelerate the construction of resource-saving and environmentally friendly society and promote the coordination between economic development and population, resource and environment. Push national economy and society informatization, practically take the new type industrialization road, adhere to economical development, clean development and safety development and realize sustainable development.
- Improve independent innovation ability. We shall deeply implement the strategy of rejuvenating the country through science and education and the strategy of reinvigorating China through human resource development, take the enhancement of independent innovation ability as the strategic base point for scientific and technological development and the key link for change of growth mode and greatly increase the original innovation ability, integrated innovation ability and introduce and absorb re-innovation ability.
- Promote coordinated development between urban and rural areas. We shall proceed from the overall situation of socialist modernization construction and plan urban and rural development as a whole. Stick to regarding the resolution of the "three dimensional rural issues" as the key point of key point for all party members' work, let industry back feed agriculture and city support village, push forward socialist new village construction and promote sound urbanization development. Implement overall regional development strategy and form the coordinated regional development mechanism of mutually complementation and beneficially interaction for the East, Central and West regions.
- Strengthen the construction of harmonious society. We shall, in accordance with the requirements of human as fundamentality and starting from resolving the practical issues related to the people and masses' vital interests, pay more attention to the coordinated development of economy and society, accelerate the development of social cause and promote overall human development. Pay more attention to social equity and enable all people to share the achievements of reform and development. Pay more attention to

democratic and legal system construction, correctly deal with the relations of reform, development and stability and maintain social stability and solidarity.

- Continuously deepen reform and opening to the outside world. We shall adhere to the reform direction of socialist market economy, improve modern enterprise system and modern property right system, establish the price formation mechanism that reflect market supply and demand and resource scarcity, more greatly exert the fundamental function of market in resource allocation, increase resource allocation efficiency, practically change governmental functions and improve national macroscopic readjustment and control system. Plan domestic development and opening to the outside world as a whole, continuously increase the level of opening to the outside world and enhance the ability to promote development while opening conditions are expanded.

According to the above guiding ideology and principle and aiming at the conspicuous contradictions and problems in development, further adjust the concept of development propulsion, change the mode of development propulsion and define the policy orientation of development propulsion.

- Pushing forward development by expanding domestic demand. Taking the expansion of domestic demand and especially consumer demand for the basic foothold, promote economic growth to change from being driven mainly relying on investment and export to being driven by consumption and investment and domestic demand and foreign demand.
- Pushing forward development by optimizing industrial structure. Taking the adjustment of economic structure for the main line, promote economic growth to change from being driven mainly by industry to quantity expansion to being driven by the three industries and structural optimization and upgrading.
- Pushing forward development by saving resources and protecting environment. Taking the promotion of fundamental change of economic growth mode for the centre of effort, promote economic growth to change from being driven mainly by increase of resource investment to being driven by increase of resource utilization efficiency.
- Pushing forward development by enhancing independent innovation ability. Taking the enhancement of independent innovation ability for national strategy, promote economic growth to change from being driven mainly by fund and material element investment to being driven by scientific and technological advancement and human capital.
- Pushing forward development by deepening the reform and opening to the outside world. Taking the reform and opening to the outside world for impetus, promote economic growth to change from being driven by administrative intervention in some fields to a considerable extent to being driven by exerting the basic action of market distribution resources to a greater extent under macroscopic readjustment and control by the state.
- Pushing forward development by making human as fundamentality. Taking the improvement of the people's living standard for the fundamental start point and footpoint, promote the development to change from emphasizing the increase of material wealth to more emphasizing the promotion of the comprehensive human development and coordinated development of economy and society.

Chapter 3 Major Objectives of Economic and Social Development

According to the overall requirement of building a well-off society in an all-round way, the following major objectives of economic and social development will be achieved in the Eleventh Five-Year Plan period:

- Stable operation of macroeconomy. Annual average growth of gross domestic product will be 7.5% and per capita gross domestic product will double the figure of the year 2000. 45 million additional urban job opportunities will be realized and 45 million rural labour forces will be transferred and registered urban rate of unemployment will be controlled at 5%. The general level of prices is basically stable and international revenue and expenditure will be basically balanced.
- Optimization and upgrading of industrial structure. Industry, product and enterprise organization structure will be more rational and the proportion of added value for the service industry in the gross domestic product and the proportion of employed people for the service industry in the total social employed people will increase 3% and 4% respectively. Then independent innovation ability is enhanced, and the proportion of appropriation expenditure for research and test development in the gross domestic product is increased to 2% and a group of superior enterprises owning independent intellectual property rights, well known brands and relatively strong international competitive force will be formed.
- Significant increase of resource utilization efficiency. Energy consumption per unit gross domestic product is reduced for 20%, water consumption per unit industrial value added is reduced for 30%, available factor of agricultural irrigation water is increased to 0% and comprehensive utilization of industrial solid wastes is increased to 60%.
- Urban and rural regional development tends to be coordinated. The construction of new social villages generates considerable effects and urbanization rate is increased to 47%. Respectively characteristic regional development patterns are preliminarily formed and the enlarging trend of the difference between urban and rural and interregional public service, per capita income and living standard is inhibited.
- Basic public service is reinforced apparently. The average educational time of the people is increased to 9 years. Public health and medical service system is relatively sound. Social security coverage is enlarged, the number of people covered by the basic old-age insurance in cities and towns reaches 223 million and the coverage of new type village cooperative medical service exceeds 80%. Poverty stricken population continues to decrease and the ability to prevent and reduce disasters is reinforced and public order and safe production situation is further improved.
- Sustainable development ability is enhanced. The total national population is controlled at 1.36 billion. Farmland retention is kept at 120 million hectares and safeguard level of fresh water, energy resources and important mineral resources is raised. The ecological environmental deterioration trend is basically inhibited, the total discharge quantity of major pollutants is reduced for 10%, forest coverage reaches 20% and control of greenhouse gas emission generates good results.
- Market economic system is relatively perfect. The reform and institutional construction in the fields of administrative management, state owned enterprises, finance and taxation, banking, science and technology, education, culture and health etc makes a breakthrough and market supervision ability and social management level is markedly improved. Opening to the outside world and domestic development is more coordinated and open economy reaches a new level.
- The people's living standard continues to be improved. Per capita disposable income of urban residents and per capita net income of rural residents increase 5% respectively annually and the quality of life of both urban and rural residents are universally improved and conditions in residence, traffic, education, culture, health and environment are considerably improved.

- Democratic legality building and spiritual civilization building make new progress. Legality building is advancing comprehensively to form the socialist legal system with Chinese characteristics. Ideology and morality construction is further enhanced and construction of harmonious society makes new progress.

Special Column 2: Major Indicators of Economic and Social Development in the Eleventh Five-Year Plan period					
Class	Indicator	2005	2010	Annual average growth (%)	Attribute
Economic growth	Gross domestic product (1,000 billion Yuan)	18.2	26.1	7.5	Anticipative
	Per capita gross domestic product (Yuan)	13985	19270	6.6	Anticipative
Economic structure	Proportion of added value for service industry (%)	40.3	43.3	[3]	Anticipative
	Proportion of unemployment for service industry (%)	31.3	35.3	[4]	Anticipative
	Proportion of appropriation expenditure for research and test development in the gross domestic product (%)	1.3	2	[0.7]	Anticipative
	Urbanization rate (%)	43	47	[4]	Anticipative
Population resource environment	Total national population (10,000)	130756	136000	<8‰	Obligatory
	reduction of energy consumption per unit gross domestic product (%)			[20]	Obligatory
	Reduction of water consumption per unit industrial value added (%)			[30]	Obligatory
	Available factor of agricultural irrigation water	0.45	0.5	[0.05]	Anticipative
	Comprehensive utilization of industrial solid wastes (%)	55.8	60	[4.2]	Anticipative
	Farmland retention (100 million hectares)	1.22	1.2	-0.3	Obligatory
	Reduction of total emission of major pollutants (%)			[10]	Obligatory
People life Public service	Forest coverage (%)	18.2	20	[1.8]	Obligatory
	Average educational time of the people (year)	8.5	9	[0.5]	Anticipative
	Number of people covered by basic old age insurance in cities and towns (100 million)	1.74	2.23	5.1	Obligatory
	Coverage of new type rural cooperative medical service (%)	23.5	>80	>[56.5]	Obligatory
	Additional job opportunities in the five years (10,000 persons)			[4500]	Anticipative
	Transfer of rural labour force in the five years (10,000 persons)			[4500]	Anticipative
	Registered urban rate of unemployment (%)	4.2	5		Anticipative
	Per capita disposable income of urban residents (Yuan)	10493	13390	5	Anticipative
	Per capita net income of rural residents (Yuan)	3255	4150	5	Anticipative

Note: the gross domestic product and urban and rural resident income are the price of 2005; those with [] are the accumulated number of the five years; major pollutants refer to sulfur dioxide and chemical oxygen demand.

Special Column 3: Attribute of Planning Indicators

The development objective determined in this plan embodies the people's fundamental interest and long-term benefit and is the national strategic intention condensing the people's will. The quantization indicators in it are divided into two classes: anticipative and obligatory.

Anticipative indicator: is the nationally expected development objective and is achieved mainly by relying on the market self-governing. The government shall create favourable macroscopic environment, institutional environment and market environment, adjust macroscopic readjustment and control direction and strength in proper time and comprehensively exert various policies to guide social resource distribution and make efforts to realize it.

Obligatory indicator: is the indicator that is further defined and strengthened on the basis of anticipation and is the work requirements proposed by the Central Government to local governments and related departments of the Central Government in public service and the field involving public interests. The government shall ensure its realization through rational distribution of public resources and effective exertion of administrative forces.

Part 2 Construction of New Social Villages

Adhere to the basic general plan for unified planning of urban and rural economic and social development and while actively and stably pushing forward urbanization, solidly and steadily push forward the construction of new villages according to the requirement of production development, well-off life, civilized village style, neat village appearance and democratic management.

Chapter 4 Development of Modern Agriculture

Adhere to taking the development of agricultural productivity as the primary task of building the new socialist village, push forward the strategic adjustment of agricultural structure, change the agricultural growth mode, increase the comprehensive agricultural production capacity and value adding ability and consolidate and strengthen the foundational status of agriculture.

Section 1 Increase Comprehensive Agricultural Productivity

Adhere to basic food self-support and stably develop grain production to ensure national grain safety and to enable the comprehensive grain productivity to reach 500 million tons. Strengthen the production ability in the main grain production regions and increase per unit area yield, quality and production benefit of grains. Establish the interest coordination mechanism between the grain production regions and the main sales regions. Give priority to the grain production ability construction in other regions.

Adhere to the strictest farmland protection system and ensure that the total quantity and quality of basic farmland are not reduced and dropped. Strengthen the fundamental farmland construction with emphasis given to the small water resource facilities, rebuild large scaled irrigation areas, accelerate the improvement of medium and low yield land and increase farmland quality and agricultural ability to prevent and reduce disasters.

Enhance agricultural scientific and technological innovation and transformation ability. Accelerate the construction of national agricultural scientific and technological innovation base and regional agricultural scientific research centre. Accelerate the research and development and popularization of such technologies as fine variety breeding of agricultural crops and animal and poultry and aquatic products, forage feeding, epidemic disease prevention and treatment, resource conservation and pollution treatment and control. Foster and spread excellent species such as super-grade crossbred paddy rice. Strengthen protection and rational development and utilization of species resources.

Reform the traditional cropping pattern, push agricultural standardization and develop economical agriculture. Use chemical fertilizer, pesticide and agricultural film in a scientific way and spread the applicable technologies such as testing soil for formulated fertilization, balanced fertilization, slow-release nitrogen fertilizer and biological control of plant diseases and insect pests. Popularize advanced and suitable farm machinery and implement and increase agricultural mechanization level.

Section 2 Push Forward Agricultural Structural Readjustment

Optimize agriculture industrial structure. While ensuring the stable yield increase of grain, cotton and oil, increase the proportion of fish breeding and poultry raising. Accelerate the development of animal husbandry and dairy industry, protect natural pasture lands, construct forage grass and herbage food base, improve animal and poultry feeding mode and enhance the level of scalization, intensification and standardization. Develop economic forest and flower industry by adjusting measures to local conditions. Develop aquaculture and aquatic product processing, implement the fishing cease and prohibition system and control fishing intensity.

Optimize agricultural product structure. Development high yield, high quality, high efficiency, ecological and safe agricultural products. Mainly develop high quality special grain species and

economic crops with high economic benefit and grain saving animal products and famous, special and excellent new aquatic products.

Optimize agricultural regional layout. Increase the comprehensive grain production capacity in the Huanghai and Huaihai Plain, the Changjiang mid- and down-stream Plain and the Northeast Plain. In the regions with favourable climatic conditions, construct economic crops industrial zones and famous, special, excellent, new, rare tropical crop industrial zones. Develop animal husbandry in rural sections and agriculture and animal husbandry intersecting areas, develop grassland animal husbandry in the south grass mountain and grass slope and the southwest karst terrains and restore and foster the sustainable development ability in the traditional pastoral areas. Develop dry farming and water saving agriculture in water-deficient areas.

Section 3 Strengthen the Construction of Agricultural Service System

Improve agricultural technology transfer, agricultural product quality safety and standard, epidemic prevention for animals and plant protection, certification and approval service systems. Integrate agriculture related information resources and strengthen the construction of agricultural economic information application system. Push forward agricultural service organization and institution innovation, encourage and guide peasants to develop various specialized cooperative economic organizations and increase agricultural regularization extent.

Section 4 Perfect Agricultural Circulation System

Push forward construction and reconstruction of agricultural product wholesale market and promote agricultural product quality hierarchization, including normalization. Continue to implement the "market development project for numerous villages and townships" and accelerate the reconstruction of supply and marketing cooperatives operating network and the extension of urban commercial network points to rural areas. Perfect the "green channel" network for fresh and living agricultural products. Develop the chain operation of agricultural means of production and standardize the market order of agricultural means of production.

Chapter 5 Increase peasants' income

Section 1 Tap the potential of agricultural income increase

Actively develop the superior agricultural products with excellent variety, apparent characteristic and high added value. Extend agricultural industrial chain to enable peasants to obtain more incomes from expansion of agricultural function. Develop agricultural product processing, freshness keeping, storage and transportation and other services. Support agricultural industrialized operation, foster highly driving leading enterprises and improve the mechanism of interest and risk sharing between enterprises and peasant households. Expand the production of labour intensive products and green foods such as cultivation and gardening. Encourage export of superior agricultural products. Develop leisure and sightseeing agriculture.

Section 2 Increase non-agricultural income

Push forward township and village enterprise institutional innovation and structural readjustment and guide township and village enterprises to concentrate in the small towns and county seats. Support county-wide economic development, pay attention to the development of the labour intensive industry and service industry with high employment capacity and strengthen countywide economy. Improve employment information service system, guide surplus labour forces to orderly transfer to non-agricultural industry and cities and towns, safeguard the legal rights and interests of the people who go to cities to work and increase the working peasants' income.

Section 3 Improve the Policy of Income Increase and Burden Reduction

Continue to implement the direct subsidy policy for peasants, increase subsidy strength and promote the price of agricultural products to maintain at rational level. Stabilize the price of agricultural production means and establish agricultural support and protection system. Strictly carry out agricultural charging management and prohibit indiscriminate charge and unjustified financial levies for peasants.

Chapter 6 Improve Agricultural Appearance

Improve peasants' production and living conditions through unified planning, step by step implementation, government guidance, mass voluntariness, adjusting measures to local conditions and paying attention of actual effects.

Section 1 Strengthen Rural Infrastructural Construction

Make efforts to strength the construction of production and living facilities most urgently needed by peasants. Accelerate the implement of rural drinking water safety project. Strengthen rural road construction to basically realize that all towns and villages have bituminous paved (cement) roads in the country, the villages with organizational system where conditions permit in the East and Central Regions will have bituminous paved (cement) roads and the villages with organizational system where conditions permit in the West Region will have roads, and to improve the rural road management and protection system. Actively develop renewable energy sources such as rural marsh gas, power generation with stalk, small hydropower stations, solar energy and wind energy and improve agricultural power grids. Establish the general telecommunication service fund, strengthen agricultural information network construction, develop rural postal service and telecommunication and basically realize telephone availability in all villages and internet access in all townships. According to the principle of land saving, facility supporting, energy saving and environmental protection and characteristic emphasis, well carry out countryside construction planning, guide peasants to build houses rationally and protect the characteristic rural building style and features.

Section 2 Strengthen Rural Environmental Protection

Conduct national survey for the present situation of solid pollution and comprehensively treat and control soil pollution. Prevent and control non-point source pollution such as pesticide, chemical fertilizer and agricultural field and strengthen pollution treatment for scaled cultivation farm. Push forward treatment of rural domestic wastes and wastewater and improve environmental sanitation and village appearance and style. Prohibit industrial solid wastes, hazardous wastes, town refuses and other pollutants from being transferred to rural areas.

Section 3 Actively Develop Rural Health Service

Strengthen rural health infrastructural construction with emphasis given to village and town health centres and improve rural tertiary health service and medical assistance system. Train rural health care personnel and carry out the activity for urban physician to support rural areas. Construct rural drug supply network and monitoring network. Strengthen the prevention and control of zoonosis such as bird flu. Improve rural birth control service system and implement the rural birth control family incentive and support system and the project of "bearing less and becoming rich rapidly".

Section 4 Develop Rural Social Security

Probe into and establish the rural endowment insurance system corresponding to rural economic development level and matching with other safety measures. Basically establish new type rural cooperative medicinal system. The places where conditions permit shall establish rural minimum living standard security system. Improve the social relief and assistance system such as support for the "five guarantees family", subsistence allowance for low income households and relief and assistance for disaster victims.

Chapter 7 Train New Type Peasants

Accelerate the development of rural education, skill training and cultural causes and train the new type peasants who have culture, know techniques and can operate.

Section 1 Accelerate the Development of Rural Compulsory Education

Make efforts to popularize and consolidate the rural nine-year compulsory education. Exempt tuition and miscellaneous fees from the students in rural compulsory education period and provide textbooks and grant living expenses to boarders. According to the principle of defining the responsibilities at various levels, sharing, and increasing, of financial investment by the Central and local governments, improving safeguard level and multiple-step organizing and implementing, comprehensively incorporate rural compulsory education into the public financed safeguard scope and construct rural compulsory education fund safeguard mechanism. Implement rural teacher training plan and enable 50% rural teachers in the Central and West Regions to receive a specialized training. Encourage urban organizations at various levels to serve the needs of agriculture with intelligence and increase the strength of urban teachers to support rural education. Comprehensively implement teleeducation in rural middle and primary schools.

Section 2 Strengthen Labour Force Skill Training

Support scientific and technological training for new type peasants and improve peasants' farming skill and scientific and technological quality. Implement the training project for transfer of surplus rural labour forces and reinforce the working ability of rural labour forces. Implement the training project for rural practicable talents and train a large group of production experts, skilful craftsmen, managing staff and scientific and technical personnel.

Section 3 Develop Rural Cultural Cause

Strengthen rural cultural facility construction and enlarge broadcast television and movie coverage. Guide cultural workers to go deep into countryside and satisfy the peasants' need of spiritual culture. Support rural amateur cultural team and encourage peasants to initiate cultural industry. Push the implementation of peasants' sports and bodybuilding project. Conduct the activities of "civilized villages and towns" and "civilized households" and guide peasants to develop the scientific, civilized and healthy life style.

Chapter 8 Increase Agricultural and Rural Investment

Adhere to the "more grant, less levy and flexible policies" and accelerate the establishment of long term mechanism of promoting agriculture development through industrial measures and promoting rural area development through urban area construction. Adjust the national income distribution pattern and in the national fiscal expenditure and budget fixed asset investment, continuously increase the investment in agriculture and rural areas according to the principle of moderate inventory adjustment and key increment inclination. Enlarge the rural coverage by public finance and ensure the increase of financial investment in the three dimensional rural issues is higher than the previous year, additional fiscal expenditure for education, health and culture is mainly used in rural areas and the key point of infrastructural construction investment by the Central Government and local governments at various level is placed in agriculture and rural areas. Reform the governmental management method for agriculture supporting investment, integrate agriculture support investment and improve fund use efficiency. Encourage and support financing institutions to increase investment in agriculture and rural areas, actively develop petty credit and guide social funds to invest in agriculture and rural areas.

Chapter 9 Deepen Rural Reform

Stabilize and improve the dual-level management system with contractual management on household basis as the basis and with the combination of centralization and decentralization. The places where conditions permit can circulate land contracting and managing right according to the law in the voluntary and paid principle and develop multi-form moderate scale management. Well carry out the arbitration service in the circulation of land contracting. Consolidate reform achievements of rural expenses of taxation, comprehensively push forward comprehensive rural reform and basically complete reform tasks of village and township institutions, rural compulsory education and county and township financial control system. Deepen rural reform of monetary system, standardize the development of financing institutions conforming to rural characteristics, exert the agriculture supporting action of rural credit cooperatives and establish and improve rural financial system. Steadily push forward collectively owned forest right reform. Accelerate land requisition system reform and improve rational compensation mechanism for the peasants whose lands expropriated. Enhance the service function of collective economic organizations at village level.

All out push forward the construction of agricultural grassroots organizations. Make efforts to well carry out the construction of village Party organizations and concurrently push forward the supporting construction villager self-governing organization and other village level organization. Actively promote the construction of village level organization activity areas. Strengthen the construction of rural grassroots cadre team. Promote political affair disclosure and democratic management and improve the village self-governing mechanism full of vitality under the leadership of the village Party organization.

Speical Column 4: Key Project of New Village Construction

Large scaled grain, cotton and oil production basis and high quality grain industrial project. Construct area by area high yield and dependable crop commodity grain production bases in the main grain production zones and continue to construct high quality cotton base and high quality oil plant zone. In the 484 main grain production counties (farms) in the 13 main grain production zones, construct 10,000mu area by area standard green farm and implement such projects as fine variety breeding, prevention and control of plant diseases and insect pests and advancement of agricultural machinery.

Soil fertilization project. Increase the farmland quality construction strength of the medium and low yield farmland with high potential of yield increase and construct integration and transformation demonstration base for different types of new clay fertilizer technologies to increase the basic soil fertility of medium and low yield farms in the project implementation zone one grade higher.

Plant protection project. Improve county (city) level grassroots stations and provincial level sub-centers and construct a group of ecological and biological disaster control demonstration bases, pesticide safety test evaluation centers and biotechnology test regional centers.

Supporting renovation for continued construction of large irrigation areas and renovation of large scaled flood drain pump stations in the four central provinces. Carry out supporting for continued construction and water saving renovation for large scaled irrigation areas. Update and renovate the existing large scaled flood drain pump stations in the four provinces of Hunan, Hubei, Jiangxi and Anhui.

Fine breed project of crop cultivation and fish breeding and poultry raising. Construct agricultural crop germ plasm resource pool, agricultural crop improvement center, fine variety breeding base, animal, poultry and aquatic product stock and fine breed site, aquatic product inheritance breeding center, germ plasm resource pool and test center etc.

Animal epidemic prevention system. Construct and improve the six major systems of animal epidemic disease monitoring and prewarning, prevention and control, quarantine supervision, animal remedy quality supervision and residue monitoring, epidemic disease technical support and epidemic disease material safeguard.

Agricultural product quality safety inspection and test system. Construct national level agricultural product quality standard and test technology research center, agricultural product quality test center, regional quality inspection center, provincial level comprehensive agricultural product quality inspection center and county level agricultural product test station.

Agricultural drinking water safety. Resolve the problem that 100 million rural residents drink high-fluorine water, high arsenic water, bitter, contaminated water, and the problem of substandard water quality in schistosomiasis stricken area and microorganism overlimit as well as serious water shortage in local regions.

Rural road. Construct and improve 1.2 million kilometers of rural roads and all townships and towns and administrative villages where conditions permit will have roads.

Rural marsh gas. Construct the rural household use marsh gas project with the basic content: of biogas generating pit, piggery change, toilet change and kitchen change as well as the large and medium sized marsh gas projects such as some scaled animal and poultry cultivation farm and

cultivation districts.

Power supply to village and green energy county project. Build 50 green energy demonstration counties and take advantage of power grid extension, wind electric power generation, small hydropower stations and solar energy PV power generation etc to resolve the problem of electricity utilization by the 3.5 million people without electricity.

Rural medical health service system. With emphasis given to the village and town health centers in the Central and West Regions, concurrently construct county hospitals, mother and child health care institutions and country traditional Chinese medical hospitals (national hospitals).

Rural birth control service system. With emphasis given to the county and township technical service stations in the Central and West Regions, construct county level service stations, center village and town service stations and mobile service cars etc.

Transfer and employment of rural labor force. Strengthen rural labor force skill training, employment service and right and interest safeguard service ability construction and provide free legal policy advice, employment information, employment guidance and job introduction for the peasants who leave home to work.

Part 3 Push Forward Industrial Structure Optimization and Upgrading

According to requirements of the new type industrialization road, adhere to having the market as orientation, the enterprise as principal part and the reinforcement of independent innovation ability as the central link, continue to exert the competitive advantage of labour intensive industry, adjust and optimize product structure, enterprise organizational structure and industrial layout, promote integral technical level and comprehensive competitive force and enlarge and strength the industry.

Chapter 10 Accelerate the Development of High-Tech Industry

According to the requirements of industrial concentration, scaled development and international cooperation expansion, accelerate and promote the extension of high-tech industry from processing and assembly to independent research and development and manufacture, push forward the industrialization independent innovation achievements and guide the formation of a group of leading industries with core competitive force, a group of industrial bases with outstanding concentrating effect, a group of transnational high tech enterprises and a group of well known brands with independent intellectual property rights.

Section 1 Promote Electronic Information Manufacturing Industry

According to the overall trend of digitalization, networkization and intelligentization, all out develop the core industries such as integrated circuit, software, new type parts and components, mainly foster the information industry group such as photoelectric communication, wireless communication, high performance computation and network equipment, construct industrial bases including software, microelectron and photoelectron etc and promote the formation of optoelectronic industrial chain. Develop key technology of information industry, reinforce innovation ability and competitive force and extend industrial chain.

Section 2 Foster Bioindustry

Exert China-specific biological resources superiority and technical superiority and mainly develop biomedicine, biological agriculture, biological energy sources and biological manufacture aiming at the major demand of health, agriculture, environmental protection, energy resource and material fields. Implement the special project of biological industry and make efforts to realize the new breakthrough in the key technology in biological industry and the research and development of important product. Improve market access system, protect specific biological resources and safeguard biosafety.

Section 3 Boost Airspace industry

By adhering to the combination of far and near locations, army-civilian integration and combination of independent development with international cooperation, develop new branch line

airplane, large airplane, helicopter and advanced engine and airborne equipment and enlarge subcontracted production and boost industrialization; drive the airspace industry to change from test application type to business service type, develop communication, navigation remote sensing etc satellite and their application, and form the airspace industrial chain for space, ground and terminal product manufacture and operation service.

Special Column 5: Major Special Items for High-Tech Industrial Project

Integrated circuit and software. Construct integrated circuit research and development centre and realize 90nm and below integrated circuit process technological industrialization. Develop foundation software, middleware, large key application software and integrating system.

New generation network. Construct the next generation internet demonstration project, the digital TV network covering the nation and the mobile communication demonstration network. Realize new generation network key technology, key equipment, and key software industrialization and build new generation information network infrastructure. Realize the special industrialization of digital audio and video products.

Advanced computation. Break through the quadrillion high performance computer system technology, construct network based advanced computer platform and realize the industrialization of tera-scale high performance computer.

Biomedicine. Construct a group of major disease prevention and control vaccine and gene engineering drug industrialization demonstration projects, perfect the modern Chinese medicine system and increase new drug development and manufacturing ability.

Civil aircraft. Develop several trunk lines, branch lines, utility aircrafts and helicopters. Develop advanced engines.

Satellite application. Research and develop new type meteorological, ocean, resource and communication satellites and develop non-toxic, pollution-free large thrust carrier rocket. Construct ground observation satellite and transit satellite system, domestic satellite ground system facilities and application demonstration project.

New material. Construct the industrialization demonstration project of various high performance and new type materials urgently needed in information, biology and airspace industries etc.

Section 4 Develop New Material Industry

Aiming at the development demand of such industries as information, biology, airspace, major equipment and new energy, mainly develop special functional materials, high performance structural materials, nanometre materials, composite materials and environmental protection and energy saving materials and establish and perfect the new material innovation system.

Chapter 11 Vigorously Develop Equipment Manufacturing Industry

Section 1 Vigorously Develop Major Technical Equipment

Make efforts to break through the core technology and improve the integral level of major technical equipment research and development and design, core parts and components supporting, processing and manufacture and system integration. Strengthen organization and coordination, strengthen policy support and rely on key projects to complete technical standards. Research and develop a group of major technical equipment having significant influence and driving action on the national economic safety, technical progress and industrial upgrading in the fields of high grade NC machine tool and fundamental manufacture equipment, and high efficiency clean power generation and power transmission and transformation, and guide the formation of a group of enterprises with strong competitive force and integrated with research, development, design and manufacture.

Section 2 Promote Automobile Industry level

Reinforce the independent innovation ability in automobile industry and accelerate the development of automobile engine, automobile electronics, key assemblies and parts and components with independent intellectual property rights. Exert the function of backbone enterprises and improve the market share of passenger cars of independent brands. Encourage the development and use of energy saving and environmental protection and new type fuel

automobiles. Guide enterprises to realize merger and recombination in competition and form several enterprises with the capacity of one million vehicles.

Section 3 Enlarge the Strength of Shipbuilding Industry

Strengthen independent ship design capability and construction of ship equipment supporting capability and large shipbuilding facilities, optimize the three major ship forms of bulk cargo ship, tank ship and container ship and mainly develop high-tech and high added value new type ship and ocean engineering equipment. Build shipbuilding base in the regions around Bohai Sea, Changjiang Estuary and Zhujiang Estuary etc and guide the shipbuilding enterprises in other regions to make rational layout and concentrated development.

Special Column 6: Key Point of Vigorous Development for Equipment Manufacturing Industry

Large scaled high efficiency clean power generation equipment. One million KW grade nuclear power generating unit, ultra-supercritical thermal power generating unit, gas-steam combined cycle unit, integral coal gasification gas-steam combined cycle unit, large circulating fluidized bed boiler, large hydropower generating unit and pumped storage unit, large air cooled unit and high power wind generating set etc.

Ultra-high voltage power transmission and transformation equipment. Grasp the manufacturing technology for $\pm 500\text{KV}$ DC and 750KV AC key power transmission and transformation equipment and develop $1,000\text{KV}$ extra high voltage AC and $\pm 800\text{KV}$ DC complete transmission and transformation equipment.

Large scaled complete ethylene equipment. Push forward the nationalization of one million ton grade large scaled complete ethylene equipment and complete p-xylene and terephthalic acid equipment.

Large scaled complete coal chemical processing equipment. Equipment for coal liquefaction and gasification and olefine production with coal.

Large scaled metallurgical equipment. Large scaled complete sheet metal cold and hot tandem rolling equipment and coating and plating process equipment.

Comprehensive excavation equipment in coal mines. Large scaled comprehensive coal shaft excavation, transportation and lifting, washing and dressing equipment and large scaled surface mine equipment.

Large ship equipment. Large scaled ocean petroleum engineering equipment, 300,000t ore and crude oil transport ship, container ship with more than 10,000 standard containers, liquefied natural gas transport ship etc large, high tech, high added value ships and high power diesel engine equipment.

Rail transit equipment. Grasp the core technology and realize the nationalization of the equipment such as $\geq 200\text{km/h}$ high speed rail train and new type subway vehicles.

environmental protection and comprehensive resource utilization equipment. Large scaled environmental protection equipment such as air pollution control and treatment, urban and industrial wastewater treatment and solid waste treatment, and comprehensive resource utilization equipment such as seawater utilization and rejected vehicle treatment etc.

NC machine tool. Increase the level of large scaled, precision and high speed NC equipment and NC system as well as functional parts.

Chapter 12 Optimize the Development of Energy Industry

Adhere to giving priority to conservation and base ourselves upon inland and have coal as the basis to realize pluralistic development. Optimize production and consumption structure and build the stable, economic, clean and safe energy supply system.

Section 1 Orderly Develop Coal

Strengthen coal resource exploration and realize unified planning and rational development, and enhance coal recovery and reduce impact of coal mining on ecological environment. Construct large scaled coal base, encourage coal enterprises to carry out combined restructuring and guide the formation of several enterprises with 100,000,000t production capacity. Encourage advantageous coal enterprises to implement the coal electricity joint venture or integrated operation of coal, electricity and transport. Adjust, innovate and reorganize medium and small

sized coal mines and legally close down the coal mines without the safe production conditions and with resource and environmental destruction.

Strengthen the comprehensive treatment for coal mine gas and accelerate the development and utilization of coalbed gas. Strengthen clean coal production and utilization, encourage the development of coal washing and dressing and comprehensive utilization of lower calorific value coal and gangue power generation and develop and spread the technologies such as high efficiency clean combustion and flue gas desulphurization. Develop coal chemical industry and coal-based liquid fuel and orderly push forward the construction of coal liquefaction demonstration project to promote the transformation of deep coal processing.

Section 2 Actively Develop Electric Power

Optimally develop thermal power with emphasis given to large scaled high efficiency environmental protection units. Construct large scaled ultra-supercritical power stations and large air cooled power stations. Push forward power generation with clean coal, build 60MW unit circulating fluidized bed power plants and initiate the integral coal gasification gas-steam combined cycle power plant project. Encourage the development of mine mouth plant and build large scale coal power generation base. Properly develop natural gas power generation and accelerate the elimination of backward small thermal power units.

Orderly develop hydropower on the basis of ecological protection and well carry out resettlement of affected residents, environmental governance and flood prevention and nautical navigation. Build hydropower bases in Jinsha River, Yalong River, Lantsang River and upper reaches of Yellow River and the large scaled hydropower stations including Xiluodu and Xiangjiaba etc. Properly build pumped storage stations.

Actively push forward nuclear power construction. Mainly construct one million KW grade nuclear power station. Gradually realize the independent design, manufacture, construction and operation of advanced pressurized water reactor nuclear power station. Strengthen nuclear fuel resource survey, exploitation and process technology innovation and key nuclear power technology development and nuclear power talent fostering.

Strengthen power grid construction. Construct the three major power transmission channel of West-East Power Transmission Project and transregional power transmission and transformation project. Expand the scale of West-East Power Transmission and continue to push forward West-East Power Transmission, South-North Mutual Aid and countrywide network connection. Strengthen regional and provincial level power grid construction, synchronously develop power transmission and distribution network, strengthen urban and rural power grid construction and innovation, complete urban and rural power distribution network, enlarge power supply scope and ensure power supply safety.

Section 3 Accelerate the Development of Petroleum and Natural Gas

Accelerate the exploration strength of petroleum and natural gas resources. Strengthen oil gas resource survey and evaluation, enlarge exploration range, mainly explore sea area, main oil gas basin and new land oil gas area and carry out non-conventional oil gas resource survey and exploration such as coalbed gas, oil shale, oil sand and gas hydrate. Push ward pluralistic subject of oil gas exploration and development.

Pay equal attention to oil and gas, stably increase crude oil yield and increase natural gas yield. Strengthen dependable yield innovation of old oil fields and suspend the degression of old field yield. Accelerate oil gas resource development in the regions such as deep sea area, Tarim, Junggar, Erdos, Qaidam and Sichuan Basins. Adhere to equality and cooperation and mutual benefit and win-win and enlarge overseas oil gas resource cooperation and development.

Moderately construct import natural gas project in the coast regions and expand and construct national petroleum reserve base.

Accelerate the planning and construction of oil gas trunk pipe network and supporting facilities and gradually complete national oil gas pipeline network. Build West-East Oil Transmission and North-South Oil Transport product oil pipe. Construct at appropriate time the second West-East Gas Transmission Pipeline and land route import oil gas pipeline.

Section 4 All Out Develop Renewable Energy Resources

Carry out preferential finance and taxation and investment policies and mandatory market share policies, encourage the production and consumption of renewable energy resources and increase its proportion in the primary energy consumption. All out develop wind energy and build 30 more than 100,000kw large scaled wind power generation projects and form one million KW wind power generation bases in Inner Mongolia, Hebei, Jiangsu and Gansu etc. Accelerate the development of biomass energy, support the development of power generation with stalk, waste incineration and bio-diesel oil, construct a group of stalk and forest mass power stations, and enlarge the production capacity of biomass solid fuel, fuel ethanol and bio-diesel oil. The synchronized installed capacity wind power generation and biomass power generation reaches 5 million KW and 5.5 million KW. Actively develop and utilize solar energy, geothermal energy and ocean energy.

Chapter 13 Adjust raw material industrial structure and distribution

According to the principle of total quantity control, backward elimination, restructuring acceleration and level promotion, accelerate the adjustment of raw material industrial structure and distribution, reduce consumption and pollution and increase product grade, technical content and industrial concentration ratio.

Section 1 Optimize the Development of Metallurgical Industry

Adhere to domination of domestic demand, make efforts to resolve surplus production capacity, strictly control additional iron and steel production capacity, accelerate the elimination of backward technology, equipment and product and improve iron and steel product grade and quality. Push iron and steel industry to develop recycle economy and exert the product manufacture, energy conversion and waste digestion and treatment function of iron and steel enterprises. Encourage enterprises to carry out transregional collectivized restructuring and form several enterprises with international competitive force. In combination with the relocation of urban iron and steel enterprises such as Shougang and elimination of backward production capacity, construct Caofeidian iron and steel base. Actively utilize low grade iron ore resources.

Control the total quantity of electrolytic aluminium, moderately develop alumina, encourage the development of deep aluminium processing and new type alloy material and enhance the comprehensive utilization level of aluminium industrial resources. Increase the exploration strength of copper, lead zinc and manganese ore resources, increase backup resources and stabilize mine production. Control the construction scale of copper, lead and zinc smelting and develop further processed products and new type alloy materials. Strengthen rare earth and tungsten, tin and antimony resource protection and promote the application of rare earth in the high-tech industry.

Section 2 Adjust Distribution of Chemical Industry

According to base, large scale and integration direction, adjust the distribution of petrochemical industry. In the concentrated oil product consumption regions, moderately expand oil refining production capacity mainly through expansion; in the concentrated oil product consumption regions without oil refining industry, rationally arrange new projects; and in the regions with

relatively redundant production capacity, control oil refining scale. Close down, stop, merge and change small low efficiency oil refining devices. Rationally arrange large scaled ethylene projects and form several Refinery-Chemical integration bases and prevent mass action all at once.

Adjust the distribution and structure of chemical fertilizer, pesticide and agricultural film industries. Construct million tons level urea base in the energy production region and grain and main cotton production regions. Construct phosphate fertilizer bases in Yuannan, Guizhou and Hubei and potassium fertilizer bases in Qinghai and Xinjiang. Control the total quantity of pesticide, improve pesticide quality and develop high efficiency, low toxic and low residue pesticide. Develop and popularize degradable agricultural films.

Optimize the development of basic chemical materials, actively develop fine chemical industry and eliminate high pollution chemical enterprises.

Enhance independent drug development ability, consolidate traditional chemical bulk drugs and develop characteristic bulk drugs. Strengthen Chinese medicine resource survey, protection, development and sustainable utilization, construct Chinese medicine resource base and all out develop Chinese medicine industry.

Section 3 Promote the Sound Development of Building Material and Building Industry

With emphasis given to the conservation of energy resources, protection of ecological environment and improvement of product quality grade, promote the structural readjustment and industrial upgrading of the building industry. In the places where conditions permit, develop at and above 5,000t/d new type dry-process cement and gradually eliminate the backward production capacity including vertical kiln. Improve the quality and processing depth of building materials such as glass. All out develop energy efficient and environmental protection new type building materials, insulation materials and green decoration materials.

Push forward the technical advancement of the building industry, perfect the engineering construction standard system and quality and safety supervision mechanism, develop building standard parts, promote construction mechanization and enhance building quality.

Chapter 14 Promote the Level of Light and Textile Industry

Make efforts to forge the independent brands, improve quality, increase varieties, satisfy diversified demands, enlarge top grade market share, consolidate and enhance the competitive power of the light and textile industry.

Section 1 Encourage the Light and Textile Industry to Improve Manufacturing Level

Use the new technologies such as information, biology and environmental protection to innovate the light and textile industry. Adjust the raw material structure of paper making industry, reduce water resource consumption and pollutant discharge, eliminate backward straw pulp production line and carry out forest and paper integration project in the regions where conditions permit. All out develop food industry, improve finish and deep processing level and safeguard food safety. Encourage household appliance, plastic product, leather and other light and textile industries to develop new products and improve technical content and quality.

Section 2 Encourage the Textile Industry to Increase Added Value

Increase the technical content and the proportion of independent brands of the textile industry. Develop high tech, high performance, differential, green and environmental protection fibre and recovered fibre and enlarge the development and utilization of industrial textile products, silk and non-cotton natural fibres. Push the transfer of textile industrial gradient.

Chapter 15 Actively Push Forward Informatization

Adhere to driving industrialization with informatization and promoting informatization with industrialization to improve the level of economic and social informatization.

Section 1 Accelerate the Informatization of Manufacturing Industry

Innovate the manufacturing industry with informatization, advance production equipment digitalization, production process intelligentization and enterprise management informatization and promote the change of research and development and design, production and manufacture, material circulation and warehousing, and marketing in the manufacturing industry. Improve the informatization level of electromechanical equipment and realize precision and accurate and high efficiency production. Popularize the technologies such as total distributed control, field bus control, and agile manufacture and strengthen online monitoring, prewarning and control of production process.

Section 2 Deeply Develop Information Resources

Accelerate the construction of the national basic information bank and promote basic information sharing. Optimize information resource structure. Strengthen information acquisition in the fields of production, circulation, science and technology, population, resource and ecological environment and strengthen deep development, prompt processing, dissemination, sharing and efficient utilization of information resources.

Section 3 Perfect the Information Infrastructure

Actively push ahead the "Convergence of Three Networks". Construct and perfect wideband communication network, accelerate the development of wideband user access network and stably push forward the construction of the new generation mobile communication network. Construct the digital TV network integrated with cable TV, ground and transmission. Build the next generation internet and accelerate commercialized application. Formulate and improve network standards and promote interconnection and intercommunication and resource sharing.

Section 4 Strengthen the Information Safety Guarantee

Actively defense and comprehensively prevent and improve information safety guarantee ability. Strengthen the information safety infrastructural construction including safety monitoring and control, emergency response, key management and network trust. Strengthen the safety protection of basic information network and important national information systems. Push ahead information safety product industrialization. Develop specialized information safety service such as consultation, determination and review and disaster recovery. Improve safety grade protection, risk assessment and safety access system.

Part 4 Accelerate the Development of Service Industry

Adhere to marketization, industrialization and socialization direction, broaden fields, expand scales, optimize structure, reinforce functions and standardize market and improve the weight and level of the service industry.

Chapter 16 Widen the Productive Service Industry

All out develop mainly producer oriented service industry, refine and deepen professionalized work division, reduce social transaction costs and improve resource allocation efficiency.

Section 1 Give Priority to the Development of Traffic Transport Industry

Unifiedly plan and rationally distribute traffic infrastructure, well carry out the mutual link-up of various transportation means, exert the combination efficiency and integral advantage and construct convenient, unobstructed, high efficiency and safe integrated transport system.

Accelerate the development of rail transport. Mainly construct passenger special line, intercity rail transit and coal transport channel and preliminarily form the personal rapid transit and coal transport network. Expand road network in the West Region, strengthen road network in the Central Region and Perfect road network in the East Region. Strengthen the construction of container transport system and major passenger and cargo hubs. Construct 17,000km new railway line including 7,000km special passenger transport line.

Further improve road network. Mainly construct national highway network and basically form the framework of national highway network. Continue to perfect national highway and provincial trunk road network and get through inter-provincial channel and exert the integral efficiency of road network. The total distance of roads reaches 2.3 million kilometres including 65,000km free way.

Actively develop water transport. Perfect the layout of coastal and riverside ports, mainly construct container, coal, import oil and gas and iron ore transfer and transport system. Expand port's throughput capacity. Improve sea gate navigation channel, improve the conditions of inland rivers to be open to navigation. Construct the high grade navigation channel network including Changjiang Gold Watercourse, Changjiang Delta and Zhujiang Delta and push forward the combined river and sea transport.

Optimize civil airport layout. Expand large scaled airport, perfect medium scaled airport and increase small scaled airport and increase the airport density in the Central and West Regions and the Northeast Region. Improve airline network. Construct modern air traffic control management system.

Special Column 7: Key Project of Traffic Infrastructure

Railway. Construct Beijing-Shanghai, Beijing-Guangzhou-Shenzhen, Harbin-Dalian, Zhengzhou-Xi'an, Shanghai-Ningbo-Shenzhen and Nanjing-Wuhan-Chengdu passenger railway lines for passenger traffic, Beijing-Tianjin, Shanghai-Nanjing, Shanghai-Hangzhou, Nanjing-Hangzhou, and Guangzhou-Zhuhai intercity rail transit, Xiangtang-Meizhou Bay, Lanzhou-Chongqing, Taiyuan-Zhongwei (Yinchuan) railways and Qinghai-Tibet Railway extension line, and Datong-Qinghuangdao, Shuozhou-Huanghua railway capacity expansion and reconstruction.

Highway. Construct Beijing-Shanghai, Beijing-Fuzhou, Beijing-Hong Kong (Macao), Beijing-Kunming, Beijing-Harbin, Shenyang-Haikou, Baotou-Maoming, Qingdao-Yinchuan, Nanjing-Luoyang, Shanghai-Xi'an, Shanghai-Chongqing, Shanghai-Kunming, Fuzhou-Yingchuan and Guangzhou-Kunmin expressways.

Port. Construct coal, import petroleum and gas, import iron ore transfer and transport system and container transport systems for Dalian, Tangshan, Tianjin, Qingdao, Shanghai, Ningbo-Zhoushan, Fuzhou, Xiamen, Shenzhen, Guangzhou, Zhanjiang and Fangcheng coastal ports. Construct coal transfer and storage bases at appropriate time in East China and South China.

Water transport. Construct Changjiang Estuary Deep Channel Governance Phase III Project, Zhujiang Estuary Sea Gate Channel Project, Changjiang River System, and Zhujiang Water System and Beijing-Hangzhou Canal Channel Governance Project and accelerate the construction of inner river ports of Chongqing, Wuhan and Nanjing.

Airport. Expand Beijing, Shanghai, Guangzhou, Hangzhou, Chengdu, Shenzhen, Xi'an, Urumchi, Zhengzhou, Wuhan airports, relocate Kunming and Hefei Airport etc and construct branch line airports in the Central and West Regions and the Northeast Region.

Optimize transport resource allocation. Strengthen hub link and inland transport completion and promote transport integration. Develop and apply high tech technologies such as high speed heavy load and large scaled specialized transport and new generation navigation system and spread multimodal container transportation and express delivery service. Apply information technology to promote transport management level and popularize intelligent traffic transport system. Develop transport intermediary service such as cargo agent and passenger and cargo marketing. Construct international navigation centres of Shanghai, Tianjin and Dalian.

Section 2 All Out Develop Modern Material Circulation Industry

Popularize modern material circulation management technology, promote enterprise-wide material circulation socialization, and realize series operation of enterprise material procurement, production organization, product sales and renewable resource recovery. Foster specialized material circulation enterprises and actively develop the third party material circulation. Establish material circulation standardization system, strengthen material circulation new technology development and utilization and push material circulation informatization. Strengthen the integration of material circulation infrastructure, establish large scaled material circulation hub and develop regional material circulation centre.

Section 3 Orderly Develop Financing Service Industry

Improve financial system, perfect service function, innovate service types and enhance service quality. Standardize and develop medium and small banks with different types of ownership and the non-bank financial institutions such as security company, finance company, financial lease company and fund management company. Encourage financial innovation, steadily develop comprehensive financial service and support the development of network financial service. Actively develop medium and small enterprise oriented financing and petty credit. Perfect the payment and settlement system and increase payment and liquidation efficiency. Improve the registration, trusteeship, and transaction and liquidation system of financial market. Develop overseas financial service and foreign exchange risk management and comprehensive financing etc and provide convenient service and foreign exchange risk avoidance tools for cross-border operation of enterprises.

Broaden insurance service field and develop endowment insurance and medical insurance and exert the important functions of commercial insurance in the perfection of social security system. Develop agricultural insurance and liability insurance and establish nationally supported agricultural and catastrophe reinsurance system. Broaden insurance fund exertion channel and develop new service modes such as network insurance.

Section 4 Actively Develop Information Service Industry

Improve basic service of post and telecommunication, develop value added service, explore rising service and promote general service. Adjust telecommunication service structure and develop internet industry.

Actively develop electronic commerce. Establish and improve electronic commerce infrastructure, legal environment, credit and safety certification system and construct safe and convenient only payment service platform. Develop inter-enterprise electronic commerce and popularize the third party electronic commerce transaction and service aiming at the medium and small enterprises and key industries and regions.

Push ahead electronic government affairs. Integrate network resources, establish unified electronic government affairs network, build government affairs information platform, data exchange centre and digital certification centre, and promote inter-departmental information sharing and business cooperation. Develop basic data resources and office resources and perfect the key business system. Improve portal website system interacting between the government and the enterprise and the public and legally disclose government affair information and promote the standard of procedure for handling affairs. Foster public information service institutions and develop and utilize public information resources.

Strengthen mapping infrastructural construction, enrich and develop and utilize geographic information resources and develop geographic information industry. Encourage the digital content industrial development in the fields of education, culture, publication, and broadcast movie and television, enrich Chinese digital content resources and develop cartoon industry.

Section 5 Develop Commercial Service Industry in a Standardized Way

Broaden and standardize the legal services such as lawyer, notarization, legal aid, judicial expertise and economic arbitration. Develop investment and assets management service for project planning, financial consultant, procurement and restructuring and listing. Develop, in a standardized way, the economic authentication service such as accounting, auditing, taxation, assets evaluation, calibration, test and goods inspection. Support the development of consultation service such as market survey, engineering consultation, management consultation and credit service. Encourage the development of specialized industrial design. Promote advertising industry development. Rationally plan exhibition hall and develop conference and exhibitor industry.

Chapter 17 Enrich Consumption Service Industry

Adapt to the upgrading trend of residents' consumption structure, continue to develop consumer oriented service industry, enlarge supply of deficient service product and meet the diversified service demand.

Section 1 Promote Commercial and Trade Service Industry

Encourage the development of ownership type and diversified operation form, good faith and people-conveniencing retail and food and beverage commercial and trade services. Actively develop modern circulation mode and organization form such as chain operation, concession operation and material circulation and distribution. According to the requirement of urban function optimization and traffic easing, rationally adjust urban commercial network point structure and layout.

Section 2 Develop Real Estate Industry

Adjust housing supply structure, mainly develop general commercial housing and economically affordable housing and strictly control large area high grade commercial housing. According to principle of supply guarantee and house price stabilization, strengthen the adjustment and control of the primary and secondary real estate market and lease market to promote echelon housing consumption. Improve real estate development and financing mode, strengthen capital management and develop in a standardized way the housing consumption credit and insurance. Standardize realty management behaviour and improve marketization degree.

Section 3 All Out Develop Tourist Industry

Comprehensively develop domestic tourism, actively develop inbound tourism and develop overseas tourism in a standardized way. Rationally develop and protect tourist resources, improve infrastructure, push the construction of key tourist zones and tourist lines and standardize tourist market order. Continue to develop sightseeing tourism, develop leisure and vacation as well science popularization, agricultural, industrial and ocean subject tourism etc and perfect self-service tourist service system. Continue to promote red tourism. Accelerate the integration and restructuring of tourist enterprises and encourage the development of characteristic tourist commodities.

Section 4 Strengthen Town Public Utility

Give priority to development of public transit, improve urban road network structure and public transit site and station, and make rail transit the preferred field and plan it in advance and construct it in appropriate time in the big cities and city groups where conditions permit. Actively develop taxi industry. Strengthen the innovation and centurion of urban water supply and drainage and reclaimed water pipe network, reinforce safe water supply ability and enlarge the use range of regenerated water. Rationally plan and construct and innovate urban centralized heat supply and fuel gas facilities.

Section 5 Accelerate the Development of Community Service Industry

Aiming at the people-conveniencing service, mainly develop community health and homemaking service, community; safety insurance, old people and infant caring, food distribution, repair service and waste and old material recovery etc. Smooth community management system, push community service standardization and networkization construction.

Section 6 Develop Sports Cause and Sports Industry

Strengthen the construction of sports facilities in the basic urban and rural levels and various schools, carry out all people bodybuilding activities and improve the body constitution of all the people and especially the youth. Protect and develop national and civilian sports. Deepen sports reform and encourage social forces to initiate sports causes and invest in sports industry. Develop in a standardized way the sports and body building, contest and performance, sport lottery, sports goods as well multi-form sports organizations and operating entities. Improve competition and sports level and well hold Beijing Olympic Games and Guangzhou Asian Games.

Chapter 18 Policies to Promote the Development of Service Industry

Break monopoly and release access fields and establish open, equal and standard industrial access system. Encourage social funds to invest in the service industry and increase the weight of non-public economy. In the fields outside the public service, it is necessary to accelerate industrialization reorganization according to the principle of separation profitability and non-profitability. Profitability institutions shall be restructured into enterprises and establish modern enterprise system as soon as possible. Continue to push forward the socialized reformation logistic service of governmental agencies and institutions. Adopt active finance, taxation and land and price policies and support the development of the key field of service industry, weak link, rising industry and new type industry. Perfect the service industry standard system and push forward service standardization. Big cities shall place the development of service industry in the preferred position and the places where conditions permit shall gradually form the industrial structure mainly based on the service economy.

Part 5 Promote Regional Coordinated Development

According to resource environmental bearing capacity, development basis and potential and in compliance with the requirements of exerting comparative advantage, strengthening weak link and enjoying equal basic public service, gradually form the regional coordinated development pattern that primary function is clearly oriented, the east, central and west beneficially interact and the difference between the public service and the people's living standard tends to decrease.

Chapter 19 Implement the Overall Regional Development Strategy

Adhere to implementing the overall regional development strategy of pushing the West Development, boosting the old industrial base such as the Northeast Region, promoting the Central Region to grow up, and encouraging the East Region to take the lead in development, improve coordinated regional interacting mechanism and form the rational regional development layout.

Section 1 Push Forward the Western Development

The Western Region shall accelerate the step of reform and opening to the outside world and reinforce its own development ability through national support, own effort and regional cooperation. Adhere to stringing points with line and driving area with point and rely on central cities and highways to carry out key development. Strength infrastructural construction, construct cross-border and transregional railway and new channel for West-East Coal Transport, build the "Five Longitudinal and Seven Transverse" west road sections and eight inter-provincial highways

and construct power supply base and West-East Power Transmission Project. Consolidate and develop the achievements of returning farmland to forest and continue advance the ecological projects such as return pasture to grassland and natural forest protection, strengthen vegetation protection, increase the treatment strengthen of desertification and hammada and strength the prevention and control of water pollution in key regions. Strengthen the protection and construction of ecological safety barrier in Qinhai Tibetan Plateau. Support the change of resource advantage to industrial advantage, all out develop characteristic industry, strengthen clean energy, superior mineral resource development and processing and support the development of advanced manufacturing industry, high tech industry and other superior industries. Strengthen and improve public service, give priority to the development of compulsory education and vocational education, improve medial medical and sanitation conditions and push forward talent development and scientific and technological innovation. Construction and perfect the border port facilities, strengthen economic and technological cooperation with neighbouring countries and carry out frontier trade. Implement and deep the Western Development policy, increase policy support and financial transfer payment strength and promote the establishment of long term and stable Western Development fund channel.

Section 2 Boom the Old Industrial Bases such as Northeast Region

The East Region shall accelerate industrial restructuring and state owned enterprise reform, restructuring and renovation to realize vigorous development in the reform and opening to outside world. Develop modern agriculture, strengthen grain base construction, push agricultural scaled, standardized, mechanized and industrialized operation and increase commodity rate and added value. Construct bases of advanced equipment, top quality steel, petrochemical, automobile, ship and deep agricultural and sideline product processing and develop high tech industry. Establish resource development compensation mechanism and declining industry aid mechanism, give priority to the resource depletion type city economic transformation experimental spots such as Fuxin, Daqing, Yichun and Liaoyuan and well carry out slum-dweller reconstruction and coal mining settling area treatment. Strengthen the infrastructural construction such as the Northeast and East Railway Channel and trans-provincial highway transport channel, accelerate market system construction and promote regional economic integration. Expand economic and technical cooperation with neighbouring countries. Strengthen comprehensive treatment of water loss and soil erosion and the North-eastern and Western desertification. Support the booming of the old industrial bases in other regions.

Section 3 Promote the Grow-Up of Central Region

The Central Region shall rely on the existing foundation to promote industrial level, promote industrialization and urbanization and grow up while exerting the advantages of linking the east and west and industrial development. Strengthen the construction of modern agriculture and especially main grain production areas, increase investment in agricultural infrastructural construction, reinforce the production capability of bulk agricultural products like grain and promote transformation and value increase of agricultural product processing. Support Shanxi, Henan and Anhui to strengthen the construction large scaled coal bases and develop mine mouth plants and coal and power cogeneration. Accelerate the structural readjustment of superior industries such as iron and steel, chemical industry, non-ferrous metal and building materials and form the top grade raw material base. Support the development of equipment manufacturing industries such as mine machinery, automobile, agricultural machinery, rolling stock and power transmission and transformation equipment and the high tech industries such as software, photoelectron, new material and bioengineering. Construct comprehensive traffic system and mainly construct trunk railway and road, inland river port and regional airport. Strengthen infrastructural construction like material circulation centre and perfect the market system.

Section 4 Encourage the East Region to Take the Lead in Development

The Eastern Region shall take the lead in improving independent innovation ability, realizing the optimizing and upgrading economic structure and change of growth mode and perfecting socialist market economic system and to help the Central and West Regions to develop while taking the lead in development and reform. Accelerate the formation of a group of independent intellectual property rights, core technologies and well known brands and improve industrial quality and competitive power. Give priority to the development of advanced manufacturing industry, high tech industry and service industry and make efforts to develop intensive processing and top class products. Promote the upgrading of processing trade, actively carry on the transformation of high tech industry and modern service industry, improve export-oriented economic level and reinforce international competitive power. Strengthen farmland protection and develop modern agriculture. Enhance utilization efficiency of resources and especially land and energy, strengthen ecological environmental protection and reinforce sustainable development ability. Continue to exert the functions of special economic zone and Shanghai Pudong New Area, push forward the development and opening of Tianjin Coastal New Area, support the economic development of the across strait and other regions where Taiwan merchants are relatively concentrated to drive regional economic development.

Section 5 Support the Development of Old Revolutionary Base Areas, Minority Nationality Regions and border areas

Increase financial transfer payment strength and financial investment strength and support the old revolutionary base areas, minority nationality regions and border areas to accelerate their development. Protect natural ecology and improve infrastructural conditions. Develop pre-school education, accelerate the popularization of compulsory education, well carry out the ethical junior high school and senior high school classes in central cities and strengthen the construction of ethical universities and higher education in minority nationality regions. Construct minority folk traditional cultural community, support minority publication cause and establish bilingual teaching demonstration zone. Strengthen minority talent team construction and stabilize talent team in minority nationality regions. Support development ethnical characteristic industry, ethnical urgently needed commodities, ethnical medical industry and other superior industries. Preferably resolve the poverty problem of extremely poor minorities, support the economic and social development of ethnical groups with relatively small population and push forward the action of booming the border area and enriching the people. Continue to implement the policies of supporting the development of the Tibet, Xinjiang and Xinjiang Production and Construction Corps.

Section 6 Improve Regional Coordination and Interacting Mechanism

Improve market mechanism, break the restriction of administrative division, promote the interregional free flow of production elements and guide industrial transfer. Improve cooperative mechanism, encourage and support all regions to carry out multi-form regional economic coordination and technical and talent cooperation and that the East drives the West to develop and the East, Central and West region jointly develop. Improve mutual aid mechanism; developed regions shall use aid and social donation methods to help and support underdeveloped regions. Improve support mechanism and, in accordance with service equalization principle, increase the state's support for underdeveloped regions. The state shall continue to increase support to the Central and Western Regions in economic policy, fund investment and industrial development.

Chapter 20 Push the Formation of Principal Function Area

According to resource environmental bearing capacity, existing development density and development potential, consider, in a unified way, China's population distribution, geographical distribution of the different sectors of the economy, territory utilization and urbanization pattern, divide land space into four principal functional zones of optimal development, key development, restricted development and prohibited development, and adjustment and perfect regional policies

and performance evaluation according to the principal functional localization, standardize space development order and form the rational space development structure.

Section 1 Development Direction of Optimized Development Zone

Optimized development area refers to the region where land development density is already high and resource environmental bearing capacity starts to decline. It is necessary to change the mode of realizing rapid economic growth by relying on extensive occupation of land, considerable consumption of resources and excessive discharge of pollutants, put the increase of growth quality and benefit in the first place, promote the level to participate in the global work division and competition and continue to be the lead zone that drives the national economic and social development and the principal zone for China to participate in the economic globalization.

Section 2 Development Direction of Key Development Zone

Key development zone refers to the region where resource environmental bearing capacity is relatively strong and economic and population concentration condition is relatively good. It is necessary to substantiate infrastructure, improve investment and business establishment environment, promote industrial group development, enlarge economic scale, accelerate industrialization and urbanization, undertake the industrial transfer of the optimized development zone and the population transfer of restricted development zone and prohibited development zone and gradually become the important carrier to support national economic development and population concentration.

Section 3 Development Direction of Restricted Development Zone

Restricted development zone refers to the region where resource environmental bearing capacity is relatively weak and large scale concentrated economic and population condition is not good enough and which is related to the ecological safety in the country or greater regional ranges. It is necessary to adhere to protection priority, moderate development, point development and adjust measures to local conditions to develop characteristic industry bearable by resource environment, strengthen ecological remediation and environmental protection, guide overloaded population to orderly transfer and gradually become the national or regional important ecological functional zone.

Special Column 8 Functional Orientation and Development Direction of Some Restricted Development Zones

Da Xinganling and Xiao Xinganling Forest Ecological Functional Zone: prohibit non-protective logging, conduct tree planting and afforestation and headwater conservation and protect wildlife.

Changbai Mountain Forest Ecological Functional Zone: prohibit non-protective logging, conduct tree planting and afforestation and headwater conservation and prevent water loss and soil erosion.

Chuandian Forest Ecological and Biodiversity Functional Zone: protect biodiversity and multiple rare and precious animal gene banks.

Qinba Biodiversity Functional Zone: moderately develop hydroenergy, reduce forest felling and protect wild species.

Southeast Tibetan Plateau Edge Forest Functional Zone: protect natural ecological system.

Xinjiang Altay Mountains Forest Ecological Functional Zone: prohibit non-protective logging and rational renew forest land.

Qinghai Sanjiangyuan Prairie Meadow Wetland Ecological Functional Zone: close land for grassland, reduce stock-carrying capacity, expand wetland, conserve headwater, prevent grassland degradation and carry out ecological resettlement.

Xinjiang Tarim River Desert Ecological Functional Zone: rationally utilize surface water and ground water, adjust agricultural and animal husbandry structure and strengthen drug development management.

Xinjiang Aerjin Grassland Desert Ecological Functional Zone: control the range of grazing and tourist region, prevent illegal hunting and reduce disturbance of human activities.
Northwest Tibetan Qiangtang Plateau Desert Ecological Functional Zone: protect desert ecological system, prevent illegal hunting and protect wide animals.
Northeast Sanjiang Plain Wetland Ecological Functional Zone: expand protection range, reduce agricultural development and urban construction strength and improve wetland environment.
North Jiangsu Coastal Wetland Ecological Functional Zone: stop reclamation, expand wetland protection range and protect south-north bird emigration channel.
Sichuan Roige Plateau Wetland Ecological Functional Zone: stop reclamation, reduce excessive development, maintain wetland area and protect rare and precious animals.
Gansu Yellow River Important Water Source Recharge Ecological Functional Zone: strengthen the protection of natural forest, wetland and plateau wildlife, carry out returning land to forest and grass, herdsman settlement and ecological resident relocation.
Chuanbian Rehe Valley Ecological Functional Zone: return land to forest, irrigation and grass, carry out comprehensive treatment, prevent water loss and soil erosion and reduce population density.
Inner Mongolia Hulun Buir Grassland Desertification Prevention and Control Zone: prohibit excessive reclamation, improper firewood cutting and overload grazing, return pasture to grass and prevent and treat pasture lands deterioration and desertification.
Inner Mongolia Horqin Desertification Prevention and Control Zone: take highly pertinent treatment measures according to desertification degree.
Inner Mongolia Hunshandake Desertification Prevention and Control Zone: take plant and engineering measures and strengthen comprehensive treatment.
Mawusu Desertification Prevention and Control Zone: restore natural vegetation and prevent expansion of sand dune activation and desert area.
Loess Plateau Hill and Ravine Water Loss and Soil Erosion Prevention and Control Zone: control development strength, comprehensively treat water loss and soil erosion with small watershed unit and construct warp land dam.
Dabie Mountain Soil Erosion Prevention and Control Zone: carry out ecological resident relocation, reduce population density and restore vegetation.
Guangxi, Guizhou and Yunnan Karst Stone Desert Prevention and Control Zone: close the land for reforestation and grass planting and animal raising, carry out ecological resident relocation, change cultivation mode and develop ecological industry and superior non-agricultural industries.

Section 4 Development Direction of Prohibited Development Zone

Prohibited development zone refers to various nature reserve areas established legally. It is necessary to carry out compulsory protection according to laws and regulations and related planning, control the interference of human factors with natural ecology and prohibit from the development activities not conforming to the principal functional orientation.

Special Column 9: Prohibited Development Zone

National nature reserves: totally 243, 89.44 million hectares.

World cultural and natural heritage: totally 31.

Natural key famous scenic sites: totally 187, 9.27 million hectares.

Natural forest park: totally 565, 11 million hectares.

Natural geological park: totally 138, 480,000 hectares.

Section 5 Implement Classified Management Regional Policy

The financial policy shall increase the financial transfer payment for the restricted development zone and prohibited development zone for compensation for public service and ecological environment and gradually enable local residents to enjoy equal basic public service. Investment policy shall mainly support the restricted development zone and prohibited development zone in their construction of public service facilities and protection of ecological environment and support the key development zone in its infrastructural construction. Industrial policy shall guide the optimized development zone to transfer the processing industry and labour intensive industries that occupy extensive land and have high consumption and to promote industrial structural level; guide the key development zone to strengthen industrial supporting ability construction; guide the restricted development zone to develop characteristic industry and restrict the industrial expansion not conforming to the principal functional orientation. Land policy shall carry out stricter construction land increment control for the optimized development zone and properly enlarge the construction land supply for the key development zone while ensuring the basic farmland is not reduced, and carry out strict land use control for the restricted development zone and prohibited development zone and prohibit change of ecological land usage. Population management policy shall encourage the exotic population having fixed jobs and residences in the optimized development zone and key development zone to settle down and guide the population in the restricted development zone and prohibited development zone to gradually transfer voluntarily and orderly. Performance evaluation and achievement evaluation shall strengthen the evaluation of economic structure, resource consumption and independent innovation etc and weaken the evaluation of economic growth for the optimized development zone; comprehensively evaluate economic growth, quality benefit and industrialization and urbanization level for the key development zone; emphasize the evaluation of ecological environmental protection etc and weaken the evaluation of economic growth and industrialization and urbanization level for the restricted development zone; and mainly evaluate ecological environmental protection for the prohibited development zone.

Chapter 21 Promote the Sound Development of Urbanization

Adhere to coordinated development of big, medium and small cities and small towns, enhance comprehensive urban bearing capacity, actively and stably push forward urbanization according to the principle of step by step, land conservation, intensive development and rational layout, and gradually change the urban and rural dualistic structure.

Section 1 Guide Population Urbanization by classes

For the people who temporarily go to work in cities, continue to carry out the policy of being engaged both in industrial and agricultural production and urban and rural two-way flow and legally safeguard their legal rights and interests in labour reward, labour time, legal holiday and safety protection; for the people who already have fixed jobs and residences in cities, create conditions to make them gradually change into urban residents and legally enjoy the rights owned by local residents and bear due obligations; for the rural population who have lost their land due to land requisition for urban construction and will change into urban residents, the city government shall provide employment assistance, skill training, unemployment insurance and minimum life guarantee etc. Encourage rural population to settle down in medium and small cities and small towns and the megalopolises shall proceed from adjusting the source of industrial structure and form the mechanism of using economic means to control excessively rapid population growth.

Section 2 Form Rational Urbanization Spatial Layout

Make city agglomeration as the principal form for pushing ahead urbanization and gradually form the highly efficient, coordinated and sustainable urbanization spatial layout that the coastal and Beijing-Guangzhou Line and Beijing-Harbin Line is the longitudinal axis, the Changjiang River and Longhai Railway Line is the transverse axis, several city agglomerations are the principal part,

other cities and small towns are spot distributed and permanent farmland and ecological functional zones are spaced.

The regions of Beijing-Tianjin-Hebei, Changjiang Delta and Zhujiang Delta where city agglomeration has formed shall continue to exert the leading and radiation actions, strengthen work division and cooperation and advantage complementation of all cities in the city agglomeration and shall reinforce the overall competitive power of the city agglomeration.

The regions that have the conditions of urban agglomeration development shall strengthen unified planning and with megalopolis and megapolis as the leader, exert the functions of central cities and form several new city agglomerations with less land utilization, more employments, strong element concentration ability and rational population distribution.

The regions with disperse population and poor resource conditions that do not have the conditions for city agglomeration development shall mainly develop existing cities, county towns and organic towns and become the concentrating centre of economy, population and public service in the region.

Section 3 Strengthen Urban Planning Construction Management

Planning of city scale and layout shall conform to the local natural bearing capacity such as water and soil resource, environmental capacity and geological structure and suit local economic development, employment space, infrastructure and public service supply ability.

Strengthen urban water head site protection and water supply facility construction. Water deficient cities shall properly control city scale and prohibit the development of high water consumption industries and construction of high water consumption landscape. The cities where groundwater is exploited excessively shall control groundwater exploitation and prevent land subsidence. The construction of urban road, water supply and drainage, energy, environment protection, telecommunication and cable television shall break the departmental and local separation and be carried out in a coordinated way on the basis of unified planning to reduce blind filling and excavation and demolition and construction. Strengthen the construction of comprehensive disaster prevention and reduction and emergency management ability. Steadily push forward the innovation of urban dilapidated and old houses and "Urban Village" and safeguard the legal rights and interests of the households that have to be relocated due to pull-down of the original home. Urban planning and architectural design shall extend the history, continue the culture, emphasize characteristic, and protect ethical and cultural heritage and famous scenery resources. Strengthen the monitoring and management of urban planning, push forward comprehensive urban management and improve urban management level.

Section 4 Improve the System Mechanism of Urbanization Development

Accelerate the demolition of the system obstruction for urban and rural separation and establish and improve the finance and taxation, land requisition, administrative management and public service systems. Improve administrative division setup and management mode. Reform the urban and rural separated employment management system, deepen domicile system reform and gradually establish urban and unified population registration system.

Part 6 Construct Resource Efficient and Environmental Friendly Society

Implement the basic national policy of resource conservation and environmental protection, construct low investment, high yield, low consumption, low emission, circulating and sustainable national economic system and resource efficient and environmental friendly society.

Chapter 22 Develop Recycle Economy

Adhering to paying equal attention to development and conservation and conservation priority and according to the principle of reduction, reutilization and beneficial treatment and, in the links of resource exploitation, production consumption, waste production and consumption etc, gradually establish the resource recycling system for the whole society.

Section 1 Conserve Energy Resources

Strengthen the policy orientation for energy conservation and high efficiency utilization and increase energy saving strength. Realize structural energy conservation by optimizing industrial structure and especially reducing the weight of high energy consumption industry; realize technical energy conservation by developing and popularizing energy conservation technology; and realize management energy conservation by strengthening system construction in the industries such as energy production, transport and consumption. Increase the implementation strength of automobile fuel oil economic indicators and accelerate the elimination of old transport equipment. Formulate substitute liquid fuel standards and actively develop petroleum substitute products. Encourage the production and use of high efficient energy saving products.

Special Column 10 Key Energy Conservation Projects

Low efficiency industrial boiler (kiln) improvement: use the technologies such as circulating fluidized bed and pulverized coal firing to improve or replace existing medium and small coal fired boiler (kiln).

Regional cogeneration: develop cogeneration and combined production of heat, power and cold to rebuild the distributed small heating boiler into centralized heat supply.

Exhaust heat and excess pressure utilization: carry out exhaust heat and excess pressure utilization in iron and steel and building material industries.

Saving and replacing petroleum: take oil saving measures in electric power and traffic transport industries and develop petroleum replacement products such as coal liquefaction and alcohol ether fuels.

Motor system energy conservation: conduct optimization and improvement of motor driven fan and water pump system.

Energy system optimization: carry out system energy optimization in petrochemical and iron and steel industries to enable the comprehensive enterprise energy consumption to reach or approach the world advanced level.

Building energy conservation: strictly execute building energy conservation design standard, push the innovation of existing building energy conservation and popularize new type wall materials and energy saving products etc.

Green lighting: popularize high efficiency and electricity saving lighting system in public facilities, hotels, commercial buildings, office building and residences.

Governmental agency energy conservation: government agency buildings shall be reconstructed according to building energy conservation standard and use of energy saving products etc are popularized in government agencies.

Energy conservation monitoring and technical service system construction: update monitoring equipment and strengthen personnel training etc.

Section 2 Water saving

Develop agricultural water conservation, push forward rainwater accumulation and storage, construct water saving irrigation forage grass base, improve water utilization efficiency and

basically realize the zero growth of total irrigation water. Mainly promote the water saving technical innovation of high water consumption water in thermal power and metallurgical industries. Give priority to urban water saving work, compulsorily popularize the use of water saving equipment and utensils and enlarge the use of regenerated water. Strengthen the water saving facility construction of public buildings and residences. Actively carry out seawater desalination, direct seawater utilization and utilization of mine water.

Section 3 Land use saving

Implement the basic national policy for land protection. Control total quantity, strictly control increment and mobilize stock and control the scale of changing agricultural land to construction land. Establish and improve land use quota standard and carry out multi-floor standard workshop. Conduct rural land arrangement, adjust layout of residential areas, control land occupation by rural residential areas and carry out reclamation of waste land. Control construction of big urban squares and develop energy saving and land saving public buildings and residences. Realize the prohibition of the use of solid clay bricks in all cities in 2010.

Section 4 Saving Materials

Push ecological product design, popularize technical process for material conservation and encourage the use of small, light duty and regenerated materials. Improve building quality, extend service life and advocate simple and practicable building decoration. Push the conservation and substitution of wood, metal and cement etc. Prohibit excessive package. Standardize and reduce the production and use of disposable products.

Section 5 Strengthen Comprehensive Resource Utilization

Give priority to the comprehensive utilization of coal and ferrous and nonferrous concomitant mineral resources. Push forward the utilization of industrial wastes such as fly ash, gangue, metallurgical waste residue and chemical waste residue as well ore tailings. Push the recycling of stalk, agricultural field and animal and poultry feces. Establish the producer responsibility extension system, push the recovery and utilization of waste paper, waste and old metal, waste and old tyre and waste electronic products. Strengthen the beneficial use of domestic wastes and sludge.

Push the industries such as iron and steel, ferrous metal, coal, electric power, chemical, building material and sugar refining to carry out recycle economy innovation and form a group of recycle economy demonstration enterprises. Carry out recycle economy experimental spot in key industries, fields, industrial parks and cities. Develop high efficiency ecological economy such as the Yellow River Delta and the Three Gorges Reservoir area etc.

Special Column 11 Recycle Economy Demonstration and Experimental Spot Project

Key industry: construct a group of recycle economy demonstration enterprises such as Jigang, Baogang, Angang and Begang, Pangang, China Aluminum, Jinchuan Co., Jiangxi Copper Industry and Lubei Chemical Co. etc.

Industrial park: construct resource recycle industrial chain and park centralized heat supply and waste treatment center and construct several recycle economy industrial demonstration zones such as Caofeidian in Hebei and Chaidamu in Qinghai.

Renewable resource recovery and utilization: construct renewable resource recovery and utilization market and processing demonstration bases such as Miluo in Hunan.

Secondary metal utilization: construct several >300,000t secondary copper, secondary aluminum and secondary

lead demonstration enterprises.

Waste and old household appliance recovery and treatment: construct several waste and old household appliance recovery and utilization demonstration bases.

Reproducing: construct several auto engine, transmission, motor, tyre recapping etc reproducing demonstration enterprises.

Section 6 Strengthen the Policy Measures to Promote Conservation

Accelerate recycle economy legislation. Carry out unit energy consumption objective responsibility and evaluation system. Improve the energy consumption and water consumption admittance standard and main energy consuming products and building energy efficiency standard for key industries and energy saving design specification and water catchment quota standard for key industries. Strictly execute technical standard and material consumption accounting system for design, construction and production. Carry out the compulsory elimination system of high water consumption backward technology, technique and equipment. Implement compulsory energy efficiency identification system and energy saving product certification system. Strengthen power demand side management, government energy saving procurement and contract energy source management. Implement the finance and taxation, price and investment policies conducive to resource conservation, comprehensive utilization and petroleum replacement product development. Reinforce the resource deficiency awareness and conservation awareness of the whole society.

Chapter 23 Protect and Remedy Natural Ecology

The key point of ecological protection and construction shall change for post-mortem treatment to prior protection and change from artificial construction based to natural recovery base so as to turn the ecological deterioration trend from the sources.

Special Column 12 Key Ecological Protection Project

Natural forest resource protection: carry out comprehensive and effective management and protection for the 94.18 million hectares of natural forest and other forest in the project region and plant 5.79 million hectares of forest in the project areas in the upper reaches of Changjiang River and the upper and middle reaches of Yellow River.

Return land to forest and grass: continue to carry out returning land to forest and grass in the water loss and soil erosion area in Changjiang and Yellow River drainage basins and north windy sand regions.

Return pasture to grass: treat the seriously deteriorated grassland in the four areas: east part of Inner Mongolia, west of Inner Mongolia, Gansu and Ningxia, east of Qinghai-Tibet Plateau and north of Xinjiang.

Windy sand source treatment in Beijing and Tianjin: return 340,000 hectares of land to forest, plant 290,000 hectares of forest in the barren mountain and deserted region in Yilin, artificially plant 1.27 million hectares of forests, airplane plant 1.45 million hectares of forest, plant 950,000 hectares of trees and grass to fix the sand and treat 2.91 million hectares of grassland.

Protective forest system: construct the "Three North" Protective Forest System Phase IV Project, Changjiang and Zhujiang Protective Forest and Taihang Mountain Greening, Plain Greening AND Coastal Protective Forest System Project. Push the construction of the Three Gorges Reservoir Area green belt.

Wetland protection and remediation: construct 222 wetland protection zones including 49 national ones and restore important wetlands by means of rational allotment and distributor and management for water resources.

Ecological protection and construction of Qinghai Sanjiangyuan Nature Reserve: returning pasture to grass: 6.44 million hectares, returning farmland to forest and grass: 6.500 hectares: closing the land for reforestation, prevention and control of desertified land, and wetland protection and black earth shoal: 800,000 hectares: treatment of damage by wild rat: 2.09 million: treatment of water loss and soil erosion: 50,000 hectares.

Conservancy engineering: increase 19 million hectares of water loss and soil erosion treatment area. Implement the comprehensive treatment for Shiyang River Valley.

Construction of wildlife protection and nature reserves: construct and improve a group of mature reserves and continue to implement the rescue

project for extremely endangered species of wild fauna and flora.

Comprehensive treatment of stone desert region: increase stone desert region treatment strength by means of vegetation protection, returning farmland to forest, closing the land for reforestation and grass, planting grass and stock keeping, rationally developing and utilizing water resources, land treatment and soil conservation, changing cultivation system, constructing rural marsh gas and supporting the poor by changing locations.

Establish important ecological functional zone in the restricted development zones such as natural forest protection zone and important headwater conservation zone to promote natural ecological restoration. Improve legality, determine subject, define responsibility and strengthen monitoring and management for nature reserves. Effectively protect biodiversity and prevent exotic harmful species from infringing our ecological system. Establish ecological compensation mechanism according to the principle of who develops protects and who benefits compensates.

Chapter 24 Increase Environmental Protection Strength

Adhere to prevention first and comprehensive treatment, strengthen pollution prevention from the source and resolutely change the situation of pollution before treatment and treating while polluting. Mainly resolve the conspicuous problems that affect economic and social development and especially seriously endanger people's health, effectively control pollutant discharge and improve as soon as possible the environmental quality in key drainage basin, key region and key cities.

Section 1 Strengthen Water Pollution Prevention and Treatment

Increase the water pollution prevention and control strength in the key drainage basins such as the "three rivers and three lakes" and key regions. Scientifically delimitate drinking water source protection zones, strengthen monitoring and control for pollution from major rivers and lakes, resolutely suppress direct pollution discharge ports in drinking water head sites and strictly prohibit the discharge of over-limit wastewater to rivers and lakes. Strengthen the construction of urban wastewater treatment facilities, comprehensively begin to collect wastewater treatment charges and enable urban wastewater treatment rate to be not lower than 70% in 2010.

Section 2 Strengthen Atmospheric Pollution Prevention and Control

Increase atmospheric pollution prevention and control strength in major cities. Accelerate the construction of desulfurizing facilities in the existing coal fired power plants and new built coal fired plants must install desulfurizing devices according to emission standard; advance the comprehensive treatment of sulphur dioxide in iron and steel, ferrous metal, chemical and building material industries. In the big and medium cities and their suburbs, strictly control the construction (expansion) of coal fired power plants other than cogeneration and prohibit from the construction (expansion) of high energy consumption enterprises such as iron and steel and metallurgy. Increase the treatment strength of urban smoke dust, dust, fine particulates and vehicle tail gases.

Section 3 Strengthen Prevention and Control of Solid Waste Pollution

Accelerate the construction of hazardous waste treatment facilities and properly treat hazardous waste and medical waste. Strengthen the monitoring and control of hazardous chemicals, strengthen heavy metal pollution treatment and push forward harmless disposal of stacked chromium residues. Strengthen safety supervision of nuclear facilities and radioactive sources and ensure nuclear and radiation environmental safety. Strengthen the construction of municipal waste treatment facilities, increase the collection strength of municipal waste treatment feeds and enable the harmless treatment rate of municipal domestic wastes to be not lower than 60%.

Special Column 13 Key Environmental Treatment Project

Key drainage basin water pollution treatment: water pollution treatment projects for the "three rivers and three lakes", Three Gorges Reservoir area, upper reaches of Changjiang River, middle and lower reaches of Yellow River, Songari River, South-North Water Transmission water head

and along its line.

Flue gas desulphurization of coal fired power plant: increase the desulphurization capacity of existing coal fired power plants and enable 90% existing power plants to emit waste gases after reaching the standard.

Disposal of medical wastes and hazardous wastes: construct the centralized disposal facilities of medical wastes and hazardous wastes and basically realize the safe disposal of medical wastes and hazardous wastes.

Nuclear and radiation safety project: accelerate the construction of medium and low radioactive waste disposal sites and resolve the permanent placement of highly radioactive wastes.

Chromium residue pollution treatment: carry out comprehensive treatment for stacked chromium residue and polluted soil and realize harmless disposal of all stacked chromium residue.

Section 4 Implement Powerful Environmental Protection Measure

All regions shall practically bear the responsibility for the environmental quality of their governed regions and implement strict environmental protection performance evaluation and environmental law enforcement responsibility system and accountability system. Governments at various levels shall make environmental protection investment be the key point of fiscal expenditure at their level and increase it year after year. Improve environmental monitoring and supervisor system, enhance monitoring and supervision ability and increase environmental law enforcement strength. Implement total discharge control, discharge permit and environmental impact assessment system. Carry out clean production audit, environmental labelling and environmental certification system, strictly execute compulsory elimination and within-limit-time treatment system and establish trans-provincial river section water quality evaluation system. Implement environmental quality bulletin and enterprise environmental information disclosure system and encourage the social public to participate in and supervise environmental protection. All out develop environmental protection industry, establish socialized and pluralistic environmental protection investment and financing mechanism and exert economic means to accelerate the process of pollution treatment marketization. Actively participate in the global environment and development affairs and earnestly fulfil environmental conventions.

Chapter 25 Strengthen Resource Management

Carry out limited development, orderly development and paid development and strengthen the protection and management of various natural resources.

Section 1 Strengthen Water Resource Management

Accommodate natural law, adjust water control concept, change from the pure flood control to the flood management and scientific rain flood resource utilization and change from paying attention to water resource development and utilization to water resource conservation, protection and optimization allocation. Strengthen unified management of water resources, plan domestic, production and ecological water use as a whole, well carry out allocation of upstream and downstream water, surface water and ground water and control groundwater exploitation. Improve water catchment permit and paid water resource use system, carry out the combined system of total water utilization control and quota management, perfect the combined with water resource management system of watershed management and regional management and establish the national initial water right distribution system and water right transfer system. Complete South-North Water Transfer East Line and Middle Line Phase I Project and rationally plan and construct other water resource allocation projects.

Section 2 Strengthen Land Resource Management

Implement the strictest land management system. Strictly execute system of land examination and approval and compensation for land occupation within legal authority and prohibit from inviting businessmen to open companies by illegally lowering land price. Strictly manage the compilation

of overall land use plan, overall urban plan and village and market town plan. Strengthen land utilization plan management, usage control and project land pre-examination management. Strengthen village and town construction land management and reform and improve house site examination and approval system. Improve land protection responsibility evaluation system and carry out land management accountability system. Strengthen land property right registration and land assets management.

Section 3 Strengthen Mineral Resource Management

Strengthen the unified planning and management for exploration and development of mineral resources, strictly control the access conditions of mineral resource development, reinforce qualification certification and license management and conduct development strictly according to laws and regulations and planning. Improve mineral resource development management system, set up exploration right and mining right, establish mining right trade system and perfect the paid mineral resource occupation system and mine environmental restoration compensation mechanism. Improve important resource reserve system, strengthen national important mineral product reserves and regulate reserve structure and layout. Realize the combination of national reserve and user reserve and implement compulsory reserve for big resource consumers.

Chapter 26 Rationally Utilize Ocean and Climatic Resources

Section 1 Protect and Develop Ocean Resources

Strengthen ocean awareness, maintain ocean rights and interests, protect ocean ecology, develop ocean resource, carry out comprehensive ocean management and promote ocean economic development. Comprehensively treat key sea area environment and inhibit the ecological deterioration trend in offshore areas such as Changjiang Estuary and Zhujiang Estuary. Restore offshore ocean ecological function, protect the ecological system in ocean and coastal zone such as mangrove, seashore wetland and coral reef and strengthen island protection and ocean nature reserve management. Improve ocean functional division, standardize ocean use order and strictly restrict sea sand exploitation. Pertinently explore and develop exclusive economic zone, continental shelf and international submarine resources.

Section 2 Develop and Utilize Climatic Resources

Strengthen the rational development and utilization of aerial water resources, solar energy and wind energy. Develop meteorological cause, strengthen comprehensive monitoring such as meteorological satellite application and weather radar and establish advanced weather service business system. Reinforce disastrous weather pre-warning and forecast ability and improve forecast accuracy and time effect. Reinforce the ability of weather to serve the industry such as agriculture. Strengthen the monitoring, forecast and evaluation work for weather modification, constituent of atmosphere and climatic change.

Part 7 Implement the Strategy of Rejuvenating the Country through Science and Education and the Strategy of Reinvigorating China through Human Resource Development

Make scientific and technological progress and innovation be the important driving force for economic and social development and put the development education and training of high quality talents having both ability and moral integrity in the more conspicuous strategic position, deepen structural reform, increase investment, accelerate scientific and technological education development and make efforts to construct innovative country and strong human capital country.

Chapter 27 Accelerate Scientific and Technological Innovation and leapover

Implement the national medium- and long-term scientific and technological development planning and in accordance with the policy of independent innovation, key leapover, sustainable development and leading the future, accelerate the construction of national innovation system, continuously enhance enterprises' innovation ability, strengthen the close combination of science, technology and economy and education and comprehensively improve the high tech integral strength and industrial technical level.

Section 1 All out Push the Independent Innovation

Strengthen fundamental research, leading edge technology research and social welfare technology research, make advanced deployment in the fields of information, life, space, ocean, nanometre and new material etc, concentrate Overwhelming Force, increase investment strength and strive for important breakthrough. In response to the national major strategic demand, initiate a group of major special scientific and technological projects, strengthen key technology research and development in energy, resource, environment, agriculture, information and health. Realize integration, innovation and leapover of core technologies. Implement major special industrial technological development projects and promote the digestion, absorption and re-innovation of introduced technologies.

Special Column 14 Major Special Scientific and Technological Projects and Major Scientific and Technological Infrastructure

Core electric device, top class general chip and foundation software: develop the key technologies such as top class electronic general devices and high confidence networkization foundation software, information safety chip and device etc.

Extremely large scaled integrated circuit manufacturing technology and packaged technology: develop 60nm-45nm high speed, low power consumption chip and new type silicon based integrated circuit manufacturing technology and core integrated circuit equipment technology.

New generation wideband wireless mobile communication: develop a new generation wideband wireless mobile communication network, terminal and application technology.

High speed NC machine tool and basic manufacturing technology: develop high grade NC machine tool and complete basic manufacturing technology and research digitalized and intelligentized control unit.

Large oil-gas field and coalbed gas development: develop complete industrialization exploitation technology for oil gas resources under special geological conditions.

Large scaled advanced pressurized water reactor and high temperature gas cooled reactor nuclear power station: develop one million KW grade large scaled advanced pressurized water reactor nuclear power design technology and 200,000kw modular high temperature gas cooled reactor commercialized technology.

Water body pollution control and treatment: research the key technologies such as typical drainage basin water pollution control, lake eutrophication prevention and treatment and water environmental ecological remediation.

Transgene new biological species breeding: develop functional gene clone and verification and scaled gene operation core technologies and establish and improve the three major technical platforms including excellent germ plasm innovation, new variety breeding and scaled breed production.

Major new drug development: research and develop a group of new drugs having independent intellectual property rights and market competitive power and establish the research and development platform at international advanced level.

Prevention and control of major infectious diseases such as AIDS and viral hepatitis: establish efficient prevention and control technology system for AIDS and viral hepatitis, research and develop high efficiency specificity diagnosis reagent, vaccine and drug and test technology.

Large airplane: develop complete large airplane design and manufacturing technology.

High resolution ground observation system: develop the advanced high resolution observation technology based on satellite, airplane and stratosphere airship and establish ground observation data centre and key application system.

Manned space flight and moon project: break through the major technology for astronauts to leave capsule for movement and spacecraft rendezvous and docking and establish the space laboratory attended in the short term and independently flying on orbit with a certain application

scale. Develop key moon detection technologies and establish moon detection engineering system.

Major scientific and technological infrastructure: establish spallation neutron source, strong magnetic field device, large scaled astronomical telescope, integrated ocean scientific research ship, aerial remote sensing system, freezing wind tunnel, continent structure environmental monitoring network, major engineering material service safety research evaluation facilities, protein scientific research facilities, meridian engineering, extremely low frequency electromagnetic surveying network for underground resource and earthquake prediction and agricultural biological safety research facilities etc.

Adhere to paying equal attention to philosophy and social science and natural science and prosper and develop philosophy and social science. Implement Marxist theoretical research and construction project, build philosophy and social science innovation system, actively push theoretical innovation and further exert its important promotion actions for the economic and social development. Promote the combination of natural science with philosophy and social science.

Section 2 Strengthen the Construction of Independent Innovation Ability

Construct scientific and technological support system and comprehensively promote scientific and technological independent innovation ability. Construct national major scientific and technological infrastructure, implement knowledge innovation project, integrate research and experimental system, establish several world first class scientific research institutions and research type universities and build high level scientific research and talent training bases. Implement major science projects, strengthen the construction of national key laboratories, build national scientific basic condition platform and promote scientific and technologic resource sharing. Construct a group of industrial technological research and development and test facilities and improve industrial technological innovation ability. Strengthen the construction of scientific popularization ability and implement the all people scientific quality action plan.

Section 3 Strengthen the Principal status of Enterprise Technological Innovation

Accelerate the establishment of the technological innovation system with enterprise as the subject, market as orientation and combining production, learning and research and form the basic system framework of independent innovation. Strengthen the construction of national engineering laboratory, national engineering centre and enterprise technical centre and establish the basic support platform for enterprises' independent innovation. Develop technical innovation intermediary service such as technical consultation and technical transfer and form the socialized service system. Implement the financial and tax and monetary policies and government procurement policy that support independent innovation and enterprises to increase investment and development investment. Exert the innovation vitality of various enterprises and especially medium and small enterprises and encourage technological innovation and invention and creation.

Section 4 Increase the Protection of Intellectual Property Right

Strengthen citizens' intellectual property right awareness, improve intellectual property right protection system, establish intellectual property right pre-warning mechanism and legally severely crack down the actions of impinging intellectual property rights. Strengthen metering basic research, improve national standard and system and promptly eliminate backward standards. Preferably adopt the technical standards with independent intellectual property rights and actively participate in the formulation of international standards. Develop the intellectual property right service such as patent, trademark, copyright transfer and agency and intangible assets evaluation etc.

Section 5 Deepen the Reform of Scientific and Technological System

Integrate scientific and technological resource, rationally allocate the force of basic research, leading edge technology research and social welfare research, promote the rational flow and cooperation of scientific research personnel between scientific research institutions, universities

and enterprises and build scientific and technological resource sharing mechanism. Deepen the enterprise system transformation and reform of technological development institutions and reform of social welfare scientific research institutions, improve modern scientific research institution system and form the open and cooperative research and development system. Improve scientific and technological management system and operation mechanism and reform the scientific and technological review and evaluation and achievement evaluation and reward systems. Establish pluralistic and multi-channel scientific and technological investment system, ensure that the growth amplitude of scientific and technological funds is apparently higher than that of fiscal ordinary revenue and gradually increase the proportion of national fiscal scientific and technological investment in the gross domestic product.

Chapter 28 Give Priority to Education Development

Comprehensively implement quality education, make efforts to complete the three major tasks of "Popularization, development and improvement", accelerate education restructuring, promote comprehensive and coordinated education development and build a learning society.

Section 1 Popularize and Consolidate Compulsory Education

Mainly strengthen rural compulsory education, make efforts to reduce the dropout rate of rural students and especial schoolgirls, ethnic minority students and poor family students in the compulsory education phase and make the retention rate in the three-year junior high school in the country reach 95%. Push forward the balanced development of urban and rural and interregional compulsory education. Governments at various levels shall ensure that the children of the people who go to work in cities to equally receive the same compulsory education as the local students.

Section 2 All Out Develop Vocational Education

Mainly develop secondary vocational education and expand the annual enrolment scale to 8 million students. Develop multi-form vocational skill training. Reform the teaching method of vocational education, renew teaching content, push the fostering mode of work and learning combination and school and enterprise cooperation and establish elastic learning system. Promote the coordinated development between vocational education and ordinary senior high school education and improve school running level and quality.

Section 3 Improve Higher Education Quality

Place the focus of higher education development in the quality improvement and structure optimization, strengthen research and practice and foster students' innovation spirit and practice ability. Stabile improve higher education popularization level, steadily develop ordinary university and college and master student education and improve higher level talent training quality. Pertinently strengthen the construction of higher level university and key subjects and push forward the coordinated development various universities and colleges. Continue to develop various adult educations.

Section 4 Increase Education Investment

Ensure that the growth amplitude of financial educational fund is apparently higher that of financial ordinary revenue and gradually make the proportion of financial educational fund in the gross domestic product reach 4%. Strengthen the government's safeguard responsibility for compulsory education and increase the transfer payment strength of the Central Government and provincial governments for the compulsory educational appropriations of the counties suffering financial difficulties. Promote education equality and incline public education resources towards rural areas, the Central and Western Region, poverty stricken area and minority nationality regions as well as weak schools and power families. Governments at various levels shall increase investment in vocational education and mainly support the rural student oriented secondary

vocational schools. Support the establishment of non-governmental charitable foundation organizations to support poor family students to go to school and encourage social circles to donate funds for schools. continue to implement study loan, improve subsidy system aiming at students at various stages and perfect the system of helping poor family students for study. Enlarge the share of lottery public welfare funds in the special education.

Section 5 Deepen the Reform of the Management System of Education

Define that governments at various levels should provide public education, formulate and improve school setup standard, support the development of private education and form the school running patten of joint development of state run education and private education. Form the pluralistic education investment system. Compulsory education is the full responsibility of the government, education in senior high school period is mainly invested by the government and vocational education and higher education are invested by the government and social investment complementarily. Standardize education charge and establish stringent education charge bulletin system. Form the education system conforming to the requirement of quality education, reform entrance exam system, push forward teaching course reformation, release overweight lesion burden of middle and primary school students and improve evaluation system. Form the right and responsibility defined education management system, provide schools more decision-making powers in subject, major, speciality, course setup and enrolment scale and talent engagement and foster and exert the advantages and characteristics of schools. Further strengthen the construction of teacher teams.

Special Column 15 Key Education Development Project

Construction of rural boarding school in West Region: in 2004-2007, the state allocates 10 billion Yuan fund to mainly support the western rural areas where the "two basics" have not been realized, to construct, expand or rebuild 7,700 rural boarding schools.

Modern teleeducation of rural middle and primary schools: in 2003-2007, the Central and local governments jointly allocate 10 billion Yuan fund to construct computer classrooms for 37,500 rural junior high schools in the west region, provide satellite teaching receiving equipment for 384,000 rural primary schools and provide teaching CD playing equipment and complete teaching CD for 110,000 primary schools.

Reconstruction of rural junior high schools in the Central and Western Regions: push the reconstruction of rural junior high school buildings in the Central and Western Regions not incorporated in the "two basics" development plan to improve school running conditions and increase student retention rate and lodging rate.

Construction of basic vocational education ability: support 1,000 county level vocational education centers, 1,000 secondary vocational schools and 100 pilot higher vocational schools to improve school running conditions and form a group of backbone vocational education bases.

Higher education Project "211" and "985": continue to strengthen the construction of high level universalities and major subjects, form a group of rising and intersubjects in the leading edge of scholar, some subjects approaching or attaining the world advanced level.

Chapter 29 Push Forward the Strategy of Reinvigorating China through Human Resource Development.

Adhere to the principle that the Party manages talents, firmly set up the scientific concept of talent, enlarge talent team, enhance talent quality, optimize talent structure, improve staffing mechanism, exert the functions of talent and promote the country with large population to change to strong capital country.

Section 1 Construct High Quality Talent Team

Implement the Party and political talent training project, improve training system, strengthen theoretical education, vocational training and practice, enhance the ideological and political quality and administration ability of the Party and political talents and construct a high quality Party and political leader talent team. Implement entrepreneur training project, training and bring up a group of entrepreneurs with innovation awareness and ability and conforming to the requirement of economic globalization and push forward the professionalization and marketization of enterprise operation and management talents. Implement specialized technical talent knowledge renewing project and strategic high tech talent training project, establish a group of highly skilful talent training bases and public practice and training bases and construct highly skilful talent team. Strengthen rural practical talent training. Strengthen talent resource development and talent team construction in the Central and Western Regions and the Northeast Region. Encourage and guide the Chinese people studying abroad to return China to work and serve the country. Actively attract overseas high level talents.

Section 2 Innovate Talent Work Mechanism

Push ahead the market configured talent resources, eliminate the system obstruction for the development of talent market, standardize the management of talent market and build the social environment in which people of talent come out in succession and everyone can do his best. Deepen the reform of personnel system for cadres, perfect the personnel systematic management system for cadres in agencies, enterprises and institutions, and improve the talent evaluation, selection and appointment and inspiration and safeguard mechanism focusing on moral character, ability and performance. Establish the comprehensive cadre examination and evaluation system conforming to the requirement of the scientific concept of development and pay attention to training talents in practice. Deepen professional title system reform. Implement the civil servant law and improve the system of public service. Governments at various levels and enterprises and institutions shall increase the investment in the development of talent resources, strengthen the ability construction of talent resource and form the pluralistic investment mechanism.

Part 8 Deepen Structural Reform

Focusing on the reforms such as changing governmental functions and deepening enterprise, finance and taxation and banking, accelerate the improvement of socialist market economic system and form the mechanism conducive to changing the economic growth mode and promoting the comprehensive coordinated sustainable development.

Chapter 30 Make Efforts to Push Forward the Reform of the Administration System

According to the principle of simplification, unification and efficiency and the requirement of decision, execution and supervision coordination, establish the administrative management system of scientific decision making, equal right and responsibility, rational work division, smooth execution and power supervision and accelerate the construction of serving government, responsible government and legally governing government.

Section 1 Push Ahead the Change of Governmental Functions

According to the principle of separation of governmental functions from enterprise management, separation of 政资分开 government from assets, separation of government from affairs and separation of government from market intermediary organization, rationally delimit the government responsibility scope and strengthen the social management public service functions of the governmental at various levels. Further push the administrative examination and approval system reform and reduce and standardize administrative examination and approval. Deepen the restructuring of government administration, optimize organizational structure, reduce administrative hierarchy, smooth responsibility division, increase administrative efficiency, reduce administrative cost, and realize the scientification, standardization and legalization of governmental responsibility, institution and organization. Rationally divide the responsibility of

the central and local governments in economic adjustment, market supervision and control, social management and public service. Accelerate the institution classification reform.

Section 2 Improve the Government Decision Making Mechanism

Complete scientific and democratic decision making mechanism and improve the collective decision making, expert consultation, public disclosure and hearing and wrong decision making liability ascertainment system for major affairs. Carry out government affairs disclosure and gradually realize institutionalization, complete governmental news release system, enhance governmental work transparency and safeguard the citizens' right to know, to participate in, to express and to supervise the government work. Comprehensively push forward administration by law and administrative organs and their staffs shall strictly fulfil their responsibilities strictly according to legal authorities and procedure. Execute comprehensive law enforcement, strengthen supervision for administrative enforcement of law and establish law enforcement responsibility ascertainment system. Carry out citizens' requirement for government responsibility and improve administrative compensation system.

Section 3 Deepen the Reform of Investment System

Determine enterprise's decision-making power for investments, gradually reduce the government's approval cope for investment projects and improve the enterprise investment project approval system and accreditation system. Rationally delimit the governmental investment scope and the central and local investment duties and responsibilities, improve and complete decision making rules and procedure, increase fund use efficiency and establish the government investment project decision making responsibility ascertainment system. Establish and complete the investment regulation and control system.

Chapter 31 Adhere to and Improve Basic Economic System

Adhere to the basic economic system with public system as the subject and joint development of different types of ownership. Steadily consolidate and develop publicly-owned economy and steadily encourage, support and guide the development of non-public economy like individual and private economies.

Section 1 Deepen State-Owned Enterprise Reform

Push the government capital to concentrate in the important industries and key fields critical to the national safety and national economic arteries, optimize state owned economic distribution, reinforce the controlling force, influence and driving force of the state owned economy and exert its leading function. Improve the flexible and rationally flowing mechanism of state owned capitals, accelerate joint stock system reform of large scaled state owned enterprises and most stated owned large scaled enterprises are restructured into pluralistic shareholder companies except that a few must be run by the sole national investment. Improve the capital stock structure of state owned enterprises, develop mixed ownership economy, realize pluralistic investment subject and property right, establish and improve modern enterprise system, form effective corporate legal person management structure and enhance enterprise vitality. Develop big company and big enterprise groups with relatively strong competitive power. Wholeheartedly rely on employees and masses to probe into the effective approach of democratic management by workers under the modern enterprise system. Continue to deepen collective enterprise reform and develop multi-form collective economy.

Section 2 Improve State-Owned Assets Supervision and Control System

Formulate and improve the laws and associated administrative regulations for supervision and control system of operating state-owned assets, establish and complete government capital operation budget, enterprise operation performance evaluation and wrong major enterprise

decision responsibility ascertainment systems, determine supervision and control responsibility and realize the value maintenance and increase of stated owned assets. Establish and complete the supervision and management systems of stated own financial assets, non-operating assets and natural resource assets etc and prevent losses of stated own assets.

Section 3 Deepen the Reform of Monopoly Industries

Adhere to separation of governmental functions from enterprises, release access, introduce competition, supervise and control by law and push the reform of monopoly industry management system and property right system. Advance the reform of traffic and transport industry management system according to the requirements for the formation of comprehensive transport system. Actively and reliably push the railway system reform and accelerate railway investment and financing system reform. Deepen electric power system reform, consolidate the separation of plants from grids, accelerate the separation of main business from auxiliary business and stably push the separation of power transmission from distribution and the construction of regional power market. Deepen the reform of petroleum, telecommunication, civil aviation, post, tobacco, salt industry and municipal public utility, push the restructuring of state owned assets, form the competitive market pattern and establish modern enterprise system.

Section 4 Encourage the Development of Non-Public Economy

All out develop non-public economies such as individual and private economies. Further eliminate the system obstruction and policy factors restricting the development of non-public economy and further implement the policy measures to encourage, support and guide the development of non-public economy. Allow non-public economy to enter the industries and fields not prohibited by laws and regulations, encourage and support non-public economy to participate in the reform of stated owned enterprises and enter the fields such as financial service, public utility and infrastructure. Complete the policies in finance, taxation, credit guaranty and technical innovation, improve administrative law enforcement and judicial environment and strengthen and improve service and supervision for non-public enterprises.

Chapter 32 Push Forward the Reform of Fiscal taxation System

Adjust and standardize the expenditure-income relation between the central and local governments and between local governments at various levels and establish and complete the financial and taxation system matching with duties and responsibilities. Implement the financial and taxation system conducive to promoting scientific and technological progress, changing growth mode and optimizing economic structure.

Section 1 Improve Financial System

Accelerate the construction of public financial system, definitely define the responsibility of fiscal expenditure of the governments at various levels and rationally adjust inter-governmental financial revenue division. Complete the financial transfer payment system of the central and provincial governments, smooth the financial management system below the provincial level, implement the the provincial administrative system directly for counties in the places where conditions permit and gradually push the equalization of basic public service. Reform the budget drafting system and increase budget normativeness and transparency. Continue to deepen the management system reform such as departmental budget, state treasury centralized receipt and payment, government procurement and separation between revenue and expenditure. Establish treasury cash management and national debt balance management system and push governmental accounting system. Strengthen budget enforcement audit and enhance budget enforcement solemnity. Establish financial budget performance evaluation system and improve financial fund use efficiency. Strengthen government debt management and prevent government debt risk. Complete nontax revenue management system and standardize the management for land and exploration right and mining right transfer revenue.

Section 2 Improve Taxation System

Change value-added tax from production type to consumption type in the country, properly adjust the range of consumption tax collection and tax items. Improve export rebate system. Unify various enterprise taxation systems. Implement the integration and classification combined personal income tax system. Reform real estate taxation system and steadily implement property tax and accordingly cancel related charges. Reform the resource tax system. Improve urban maintenance and construction tax, farmland use tax and stamp tax.

Chapter 33 Accelerate the Reform of Monetary System

Section 1 Deepen the Reform of Financial Enterprises

Actively push the comprehensive reform of state own commercial banks, complete corporate governance structure and improve internal control mechanism by means of accelerating the disposal of non-performing assets, substantiating capitals and transforming enterprises into joint-stock ones and listing etc, and construct the modern joint stock banks with international competitive power. Rationally determine policy bank function orientation, improve self-regulating mechanism, risk regulation and control mechanism and risk compensation mechanism. Accelerate financial institution reform such as other commercial banks and postal savings agency. Steadily develop multi-ownership financial enterprises and encourage social funds to participate in the establishment, reorganization and renovation of medium and small financial institutions. Improve the basic system for standard operation of financial institutions and steadily push the comprehensive operation experimental spots for banking industry. Push the reform of financial assets management companies. Improve insurance company governance structure and deepen the reform of insurance fund operation and management system.

Section 2 Accelerate the Development of Direct Financing

Actively develop stock and bond etc capital market and steadily develop futures market. Push the fundamental system construction such as securities issue, exchange and purchase, promote the standard operation of listed companies and security operation agencies, establish multi-level market system, complete market functions, broaden the channel for funds to enter the market and increase direct financing proportion. Develop investment for business establishment and well carry out the industrial investment fund experimental spot work.

Section 3 Improve Financial Regulation and Control Mechanism

Strengthen the mutual coordination and cooperation between money market and other macroscopic policies and improve financial regulation and control system. Establish and complete the mechanism for the organic combination and coordinated development of money market, capital market and insurance market and maintain the financial stability and financial safety. Steadily develop money market, smooth the monetary policy transmission mechanism and push the interest rate marketization reform. Complete managed floating exchange rate system and gradually realize RMB capital item convertibility.

Section 4 Improve Financial Supervision and Management System

Establish financial risk identification, pre-warning and control system and prevent and dissolve systematic financial risk. Standardize financial institution market exit mechanism and establish corresponding deposit insurance, investor protection and insurance and safeguard system. Improve financial supervision and management level, strengthen risk monitoring and supervision and restriction for rate of capital sufficiency and establish and improve the coordination mechanism between bank, security and insurance monitoring and supervision institutions and with the macroscopic regulation and control departments.

Chapter 34 Improve Modern Market System

Section 1 Improve National unified Open Market

Further break the administrative monopoly and regional blockade, complete commodity market and improve the element market such as capital, land, technology and labour force. Strictly delimit welfare land use and operation purpose land use. carry out paid use of land for operation purpose infrastructure and complete the system of the grant of operation purpose land by invitation of bids, auction and listing and the system of open supply of non-operation purpose land. Standardize and develop property right trading market and actively develop technological market. Gradually establish the urban and rural unified labour market.

Section 2 Improve Price Formation Mechanism

Actively and reliably push the reform of resource product price. Rationally adjust the price of hydraulic engineering water supply, city water supply and regenerated water supply. Push electricity price reform and gradually establish the mechanism that power generation and electricity sale price is formed through market competition and power transmission and distribution price is determined by the government. Push in appropriate time the petroleum price reform and establish the natural gas price formation mechanism in connection with replace energy price. Enlarge market scope for formation of land price.

Section 3 Standardize Market Order

Crack down various illegal operation activities and standardize market subject behaviour and market competition order. Clear up and rectify indiscriminate charge, arbitrary fines and various apportionments for enterprises. Strengthen price monitoring and management and prohibit price fraud and price manipulation. Focusing on improving the credit record of credit, tax payment, contract fulfilment and product quality, accelerate the establishment of social credit system and improve the faith breach punishment system.

Part 9 Implement the Mutual Benefit and Win-Win Opening Strategy

Adhere to the basic policy of opening to the outside world, participate in international economic and technological cooperation competition in a higher level, better promote domestic development and reform and practically maintain the national economic safety.

Chapter 35 Accelerate the Change of Foreign Trade Growth Mode

According to the requirements of exerting comparative superiority, making up resource deficiency, enlarging development space and improving added value, actively develop foreign trade and promote foreign trade to change from quantity increase to quality improvement. By 2010, the total export import volume of goods trade and service trade will reach 2,300 billion and 4,000 billion US dollars respectively.

Section Optimize Export Structure

Focusing on own brand, independent intellectual property right and independent marketing, guide enterprises to reinforce comprehensive competitive power. Support the export of independent high tech products, electromechanical products and high value added labour intensive products. Strictly execute labour, safety and environmental protection standards and control high energy consumption, high pollution and resource products. Improve processing trade policy, continue develop processing trade, make efforts to enhance industrial level and processing depth, reinforce domestic ability to provide the auxiliary items and promote domestic industrial upgrading. Guide enterprises to construct overseas marketing network and reinforce independent marketing ability.

Actively explore non-traditional export market and push market pluralism. Strengthen the dynamic monitoring for export commodity price, quality and quantity and construct the quality benefit oriented foreign trade promotion and regulation and control system.

Section 2 Actively Enlarge Import

Implement the policy of basic import and export balance and exert the function of import in the promotion of China's economic development. Improve import tax policy, expand the import of advanced technologies, key equipment and parts and components as well as domestically deficient energies and raw materials and promote resource import pluralism.

Section 3 Develop Service Trade

Enlarge the service trade export such project contracting, technology transfer, finance and insurance, international transport, education and training, information technology and national culture. Encourage foreign capitals to participate in software development, trans-border contracting and material flow service etc. Construct several service industry contracting bases and orderly undertake international service industry transfer. Actively and reliably enlarge the opening of service industry and establish service trade monitoring and control system and promotion system.

Section 4 Improve Fair Trade Policy

Improve trade operation monitoring and pre-warning system and friction response mechanism and rationally use the anti-dumping, anti-subsidy and safeguard measures to reinforce the ability to respond to trade dispute and maintain enterprises' legal rights and interests and national interests. Strengthen multi-lateral dialogue and cooperation for international trade and realize joint development. Improve trade legal system, establish bulk commodity import and export coordination mechanism, strengthen industrial self-discipline and standardize trade order. Effectively exert technological trade measures to strengthen import and export inspection quarantine and epidemic situation monitoring and control.

Chapter 36 Improve the Quality of Introducing Foreign Investment

Take hold of the international industry transfer opportunity, continue to actively and effectively utilize foreign capitals and combine the introduction of foreign investment with domestic industrial structure and technological level mainly by introducing foreign investment and introducing foreign advanced technology, management experience and high quality talents.

Section 1 Guide the investment Orientation of Foreign Merchant

Improve laws and regulations and policies and form the stable, transparent management system and fair and foreseeable policy environment. Guide foreign capitals to be more invested in high tech industry, modern service industry, top class manufacturing link, infrastructure and ecological environmental protection and in the old industrial bases in the Central and Western Regions and the North-eastern Region. Encourage transnational companies to establish regional headquarters, research and development centres, procurement centres and training centres in China. Encourage foreign owned enterprises to carry out technological innovation and reinforce the ability to provide the auxiliary items and extend industrial chain. The regions and development zones with strong ability to attract foreign capitals shall pay attention to enhancing production and manufacturing level and actively expand towards research and development and modern circulation fields etc and sufficiently exert the concentration and driving effect.

Section 2 Promote the Diversified Modes of Introducing Foreign Investment

Guide domestic enterprises to conduct multi-form cooperation with transnational companies and exert the technology spill-over effect of foreign capitals. On the basis of protecting domestic independent brand, guide and standardize foreign merchants to participate in the restructuring and innovation of domestic enterprises. Effectively utilize overseas capital market to support the overseas listing of domestic enterprises. Improve risk investment exit mechanism and encourage foreign merchant risk investment companies and risk investment funds to invest in China. Encourage overseas institutions with conditions to participate by shares in domestic security companies and fund management companies.

Continue to well use the loans from international financial organizations and foreign governments and mainly invest the loans in the old industrial bases in the Central and Western Regions and the Northeast Region in resource conservation, environmental protection and infrastructural construction. Rationally and cautiously use international commercial loans and allow the financial institutions and enterprises with conditions to make financing in foreign countries. Strengthen macroscopic monitoring and management for foreign debts and optimize debt structure and maintain moderate debt scale.

Chapter 37 Actively Conduct International Economic Cooperation

Complete the system and policy to promote the cross-border flow and optimal allocation of production elements and actively develop economic and technological cooperation with neighbouring countries and other countries and realize mutual benefit and win-win.

Section 1 Implement the "Go-Out" Strategy

Support the enterprises with mature conditions to conduct direct foreign investment and transnational operation. With superior industry as the key point, guide enterprises to carry out overseas processing trade and promote product origin pluralism. By means of trans-national merge and acquisition, equity participation, listing, restructuring and association etc, foster and develop our trans-national companies. According to the principle of advantage complementation and equality and mutual benefit, enlarge overseas resource cooperation and development. Encourage enterprises to participate in overseas infrastructural construction, raise project contracting level and stably develop labour cooperation. Complete overseas investment promotion and safeguard system and strengthen the unified planning and coordination and risk management for overseas investment and overseas state owned assets supervision and control.

Section 2 Push the International Regional Economic Cooperation

Unifiedly plan and stably push the convenience of trade, investment and traffic transport, actively participate in the international regional economic cooperation mechanism, strengthen dialogue and consultation and develop bilateral and multilateral economic and trade cooperation with all countries. Actively participate in the formulation of multilateral trade and investment rules and push the establishment of the new international economic order. Increase Chinese aid to other developing countries and further strengthen the economic and technological cooperation with developing countries.

Part 10 Push Forward the Construction of Harmonious Socialist Society

According to the requirements of democracy and government by law, equity and justice, good faith and friendship, full of ginger, stability and order and harmonious coexistence between man and nature, firmly push forward the construction of harmonious society proceeding from resolving the most direct and most realistic vital interest problem most cared by the people and the masses.

Chapter 38 Comprehensively and Well Carry Out Population Work

Section 1 Stabilize the Low Birth level of Population

Adhere to the basic policy of birth control and stabilize and complete the current birth policy and implement the objective responsibility system of population and birth control work. Establish the only child death and disability family support system and complete the charge exemption system for basic service items. Strengthen the birth control service and management ability construction. Complete the floating population birth control service management system aiming at the management of the existing place of residence

Section 2 Improve the Quality and Structure of Born Population

Popularize the prenatal and postnatal care knowledge, implement the birth control reproduction health promotion plan, increase birth defect intervention strength, encourage pre-marriage and pre-pregnant medical checkup and prevent and control the impact of congenital infection and genetic factors on the borne population. Take comprehensive measures to effectively deal with the rising of sex ratio of the borne population.

Section 3 Actively Respond to Population Aging

Carry forward the old people respect custom and build the social atmosphere that elderly will be looked after properly and will enjoy themselves. Actively develop senior industry, reinforce the whole society's old people caring service function, improve the old people's quality of life and safeguard their rights and interests. Implement caring project and strengthen the construction of seniors oriented service facilities such as seniors caring service, medical assistance and hospital bed at home.

Section 4 Safeguard Women and Children's Rights and Interests

Implement the basic national policy of sexual equality, implement the Outline of the Development of Chinese Women, safeguard that women equally obtain the rights of going to school, work, social security, marriage assets and participation in social affairs and strengthen women health care, poor people support and poverty relief, labour protection and legal aid. Adhere to the principle of children priority, implement the Outline of the Development of Chinese Children, and legally safeguard children's right of existence, right of development, right of being protected and right of participation. Improve children's growing environment and promote the development of children's physical and mental health. Improve mechanism of rehabilitation of disabled children through operation, family fosterage fund investment and AIDS orphan help.

Section 5 Safeguard the Rights and Interests of the Handicapped People

Advocate and encourage social circles to care, support and participate in the causes of the handicapped people. Push forward the construction of barrier-free facilities, strengthen the handicapped people rehabilitation, poverty cast-off of poor handicapped people, compulsory education of disabled children, employment service and social security for the handicapped people and create conditions for the handicapped people to equally participate in the social life.

Chapter 39 Improve the People's Living Standard

Section 1 Do Everything to Expand Employment

Place the employment expansion in the more conspicuous position in the economic and social development, implement positive employment policy, unifiedly plan urban and rural employment and make efforts to control unemployment scale. Continue to implement and improve the preferential policies to encourage enterprises to increase job opportunities and strengthen finance and tax and credit for employment training. Complete the employment service system and

accelerate the establishment of employment skill training mechanism supported by the government and participated by the society. Complete the employment aid system for difficulty suffering regions, industries and groups. Actively develop the labour intensive industries and service industries with large employment capacity and the medium and small enterprises of various types of ownership. Comprehensively implement labour contract system, actively push collective contract system, improve and coordinate labour relation three-party coordination mechanism and complete the labour dispute handling system. Comprehensively establish the employer law-abidingness and good faith system. Improve enterprise job displacement mechanism and prevent surplus personnel from being pushed to the society. State owned enterprises shall try to arrange surplus personnel by means of separating main industry from auxiliary industry and auxiliary industry restructuring. Strengthen labour force market supervision and management, labour protection and labour law enforcement supervision, standardize the behaviour of recruiting and using work force and practically maintain the labourers' legal rights and interests.

Section 2 Increase the Income Distribution Regulation Strength

Complete the distribution system with distribution according to work as the subject and coexistence of multiple distribution modes and adhere to the participation of various production elements in distribution according to contributions. Accelerate the advancement of income distribution system reform, standardize individual income distribution order, strengthen the monitoring and supervision for distribution results and endeavour to mitigate the trend of distribution difference expansion between industries, regions and social members. Pay more attention to social equity and especially the equity of study in school, employment opportunity and distribution process. Make effort to improve the income level of low income people, gradually expand the proportion of middle-income people and effectively regulate excessively high income. Strictly execute the minimum wage system and gradual improve minimum wage criteria. Establish standard civil servants' wage system, standardize post related consumption and improve the income distribution rule and supervision and management mechanism of state owned enterprises and institutions. Control and regulate the income of monopoly industries, establish and complete individual income declaration system and strengthen individual income tax collection and management. Resolutely suppress various illegal incomes.

Section 3 Improve the Social Security System

Increase the financial investment in social security, raise social security funds through multi-channels, rationally determine security standard and mode and establish and complete the layered and widely covering social security system conforming to the economic development level.

Expand urban basic pension insurance coverage, gradually complete individual account, gradually improve the overall social planning level and reinforce the ability of overall planning and regulation. Push forward the endowment insurance system reform for government organs and institutions. Establish the linkage mechanism of unemployment insurance and employment promotion and improve unemployment insurance system. Expand the coverage of basic medical insurance and complete multi-level medical security system. Improve and execute industrial injury insurance policy and standard and push various employers to legally participate in industrial injury insurance. Encourage the enterprises with conditions to establish supplementary insurance. Establish and complete birth insurance system. Earnestly resolve the social security of the people who go to work in cities. Standardize social insurance fund collection and payment and supervision and management. Strengthen the construction of social security service management ability.

Improve urban residents' minimum life security system and gradually improve security standard. Establish urban and rural medical assistance system and incorporate the urban residents' lowest life security objects and rural destitute households and the five guarantees support objects into the scope of assistance. Improve the assistance system for urban vagrants and beggars and especially vagrant minors. Encourage the development of social support activities such as social charity,

social donation and mutual mass support and support voluntary service activities and realize institutionalization.

Section 4 Increase the Strength of Poverty Relief Work

Strengthen the poverty relief responsibilities of the governments at various levels, increase poverty relief investment, complete poverty relief development mechanism and increase poverty relief efficiency. For the poverty stricken regions with the basic existing conditions, continue to implement local poverty relief, improve basic production and living conditions and open up income increase approach; for the poverty stricken regions with severe existing conditions, implement poverty relief through relocation. For the poor population with labour ability, implement skill training, technical poverty relief and labour export poverty relief and reinforce their income increase ability; for the poor population without labour ability, implement relief and assistance salvation. Pay more attention to the support and assistance of the poor family children, improve their growing environment through boarding study, family fosterage, social caring and free vocational education etc and prevent intergeneration poverty transfer. Take the means of social salvation and special purpose loans to prevent returning to poverty due to disaster and illness. Increase the support for concentrated and area by area poverty stricken regions and implement the poverty relief development for the whole village by adjusting measures to local conditions. Continue to carry out fixed point help and support work and encourage social circles to actively participate in the poverty relief work.

Section 5 Expand Urban and Rural Resident Consumption

Increase the income level of urban and rural residents and reinforce the consumption capacity of residents and especial rural residents and urban low income people. Foster hot consumption spots, push the action of public nutrition improvement, complete the town housing supply system combining ordinary commercial housing, economic economically affordable housing and low rent housing, continue to raise telephone and computer etc popularity rate and promote the service consumption such as culture, bodybuilding, tourism and leisure. Guide resident consumption expectation and enlarge immediate consumption. Improve consumption environment and standardize and develop consumption credit.

Chapter 40 Improve the People's Health Level

Pay close attention to the people's health, increase the government investment strength, accelerate the development of medical health cause and earnestly resolve the treatment difficulty and high treatment price.

Section 1 Complete the Public Health and Medical Service System

Establish and complete the emergency mechanism for sudden public health events and improve the ability of disease prevention and control and medical treatment. Improve the conditions of medical and public health institutions and strengthen the professional team construction. All out develop community health and accelerate the construction of the urban medical service system mainly based on the community health service and with work division and cooperation between community health service institutions and hospitals and two-way transfer for treatment.

Section 2 Strengthen Disease Prevention and Treatment and Health Care

Strictly control the propagation of major communicable diseases such as AIDS, tuberculosis and hepatitis B, effectively prevent and control parasitic diseases like schistosomiasis and endemic diseases, strengthen the prevention and treatment and immunity work for new found communicable diseases and comprehensively prevent and treat chronic diseases like cardiovascular and cerebrovascular diseases and malignant tumours. Strengthen mental health consultation and care and attachment importance to mental health and disease prevention and

treatment. Strengthen mother and child health care to make planned children immunization rate exceed 90%, infant mortality reduced to 17‰ and pregnant and lying-in women death rate reduced to 40/100,000.

Section 3 Strengthen Chinese Medicine and Medical Scientific Research Work

Protect and develop Chinese medicines, strengthen the construction of clinical research bases and hospitals of Chinese medicine and push forward Chinese medicine standardization and normalization. Integrate superior medical scientific research resources and strengthen research of major diseases.

Section 4 Deepen the Medical Health System Reform

According to the direction of separation of government from public service institutions, separation of regulation from operation and separation of hospitals from medicines and separation of profitability from non-profitability and adhering to the principle of government domination, social participation, mechanism conversion and supervision strengthening, establish the medical health system conforming to Chinese situation and provide safe, convenient, efficient and rational public health and basic medical service for the broad masses. Improve classified management according to the principle of dependency and the whole industry management. Strengthen the responsibilities of the government in providing public health and basic medical service, establish the normative responsibility sharing and capital investment mechanism between the governments at various levels and gradually establish the hospital running system with pluralistic investment subjects and diversified investment modes. Improve the operation mechanism, inspiration mechanism and compensation policy of public medical institutions. Integrate medical health resources and all out increase the weight of public health resources in rural areas, the Central and Western Regions and grassroots. Strengthen the supervision and management for the medical health service behaviour, service quality and drug market, reduce exorbitant price of drugs and control excessively fast rise of medical costs.

Chapter 41 Strengthen the Construction of Public Safety

To complete the tasks of reform and development, it is necessary to maintain long term stable social environment. Strengthen the public safety awareness of the whole society, strengthen the construction of public safety safeguard ability, raise the public safety safeguard level, maintain the people's life and property right and ensure social stability.

Section 1 Reinforce the Ability to Prevent and Reduce Disaster

Strengthen the construction of weak links in flood prevention and disaster reduction, mainly strengthen the comprehensive governance of big rivers, danger removal and reinforcement of unsound and dangerous reservoirs, construction of pondage and flood retarding basins and urban flood prevention and reinforce the ability of coastal regions to prevent typhoon, storm surge and tsunami. Strengthen the prevention and treatment of landslide, mud and rock flow and forest and grassland fires. Increase flood prevention and disaster reduction prewarning and command ability and establish the disaster, flood for example, management system and flood prevention and disaster reduction safeguard system. Strengthen the prevention and treatment of geological hazards in the key regions such as the Three Gorges Reservoir area. Improve the later stage support policy for relocation of people from large and medium scaled reservoirs. Strengthen the basic seismic safety work for city agglomerations and big cities, strengthen the construction of digital seismic network, seismic regime and disaster situation quick transmission system, implement comprehensive prediction, prevention and rescue management and improve comprehensive earthquake defensive ability.

Section 2 Raise the Safety Production Level

Adhere to "safety first and prevention crucial and comprehensive treatment", implement the safety production responsibility system, strengthen the enterprise safety production subject responsibility, complete the safety production monitoring and management system and strictly execute the major safety production accident accountability system. Strengthen safety production scientific research and development, monitoring and control and supervision and support system construction. Implement the general investigation and monitoring and control of major dangerous sources, increase safety facility investment and well carry out hidden trouble treatment and safety technology innovation. Strictly execute the safety production license system, strengthen the safety production of high risk industry, coal for example, and key fields, and well carry out special rectification of fire safety for non-coal mines, special type equipment, hazardous chemicals, fireworks and crackers, building construction, road traffic and personal dense locations. Strengthen traffic and fire fighting infrastructural construction and safety supervision and management. Foster and standardize safety production intermediary agencies. Strengthen the safety production publicity and education and training. Establish safety production indicator evaluation system and make the production safety accident death rate per unit gross domestic product reduce for 35% and the production safety accident death rate of industrial, mining, commercial and trade employees reduce 25% by 2010.

Section 3 Safeguard Food and Beverage and Drug Administration Safety

Strengthen the construction of food and drug supervision and management facilities, complete technical standard system, innovate supervision and management mechanism, standardize supervision and management behaviour, promote supervision and management ability and level, legally strengthen the supervision and management for food, drug and dietetic hygiene and safeguard the people and the masses' health safety.

Special Column 16 Key Public Service Project

Social assistance: construct assistance management facilities, vagrant minors protection centre, "charitable supermarket" and social donation receiving points etc.

Social welfare: construct comprehensive welfare centre, social welfare facilities, rural gerocomium, child welfare institutions and comprehensive handicapped people service facilities etc.

Public health: continue to improve disease prevention and control and medical treatment system and strengthen the construction of Chinese medicine clinical research base and key hospitals of Chinese medicine.

Community service: construct and reconstruct community service centre and community service station, and strengthen and improve community health and social insurance system.

Flood prevention and disaster reduction: construct backbone Huili River Regulation Project and strengthen the regulation of big rivers and medium and small rivers. Implement the safety construction project of major river pondage land and flood retarding basin.

Safety production emergency rescue: construct national, provincial and municipal level safety production emergency rescue command centre and national, regional and backbone specialized emergency rescue system.

Major accident hidden trouble treatment: treat the dangerous reservoir and highly hazardous unsound reservoir of mine tailings reservoirs and relocate the hazardous chemicals production and storage enterprises without substandard safety distance in urban areas.

National disaster emergency rescue: construct four grade disaster emergency rescue command system.

Grassroots politics and law infrastructure: construct and reconstruct grassroots police station, judicatory bureaus and the people's courts.

Section 4 Maintain National Safety and Social Stability

Severely crack down various criminal activities according to the law and ensure that the people and the masses live and work in peace and contentment. Strengthen the comprehensive governance of public order, push the construction of public order prevention and control system and deeply carry out peace creation activities. Improve judicial safeguard conditions and

strengthen the infrastructural construction of grassroots judicial and public security organizations, case investigation, drug prohibition, smuggling suppression and border inspection etc. Actively respond to traditional and non-traditional safety problems. Strengthen the construction of public security and political and legal team.

Section 5 Strengthen the Construction of Emergency System

Establish and complete the emergency management system, strengthen the construction of key fields and key projects such as command information system, emergency material safeguard, specialized disaster relief and emergency rescue team, emergency standard system and transport and field communication safeguard, complete the social mobilization mechanism following the occurrence of major and especially serious natural disasters and improve the ability to deal with sudden public events.

Chapter 42 Improve Social Management System

Improve the social management pattern of the Party Committee leadership, governmental responsibility, social coordination and public participation and push the innovation of social management system.

Section 1 Strengthen the Construction of Grassroots Self-Governing Organization

Push the construction of harmonious communities and villages and towns with orderly management and good public security, advocate the harmony between people and reinforce the social harmonious basis. Explore the effective model of construction and management for urban and rural grassroots self-governing organizations in the new phase and exert the function of urban and rural grassroots self-governing organizations in interest coordination and difficulty and anxiety exclusion.

Section 2 Standardize and Guide the Orderly Development of Non-Governmental Organizations

Foster and develop trades society, associations, welfare beneficence and grassroots service non-governmental organizations and exert their functions to provide service, reflect appeal and standardize behaviours. Complete the non-governmental organization self-discipline mechanism and strengthen and improve the supervision and management for non-governmental organizations.

Section 3 Correctly Deal with the Contradictions among the People

Attach great importance to safeguarding the people and the masses' fundamental interests, properly coordinate interest relations in various aspects and prevent and resolve the contradictions among the people from the sources. Improve and complete letter and visit complaint work, smooth the appeal channel, comprehensively exercise education, consultation, mediation and legal means to promptly and rationally deal with the problems reported by the masses. Improve the system of people's mediation and complete the social contradiction and dispute mediation and handling mechanism. Deeply and well carry out the work concerning the masses in the new phase and guide the masses to express their appeal using rational and legal means. Establish and complete contradiction elimination and investigation mechanism, information pre-warning mechanism, emergency disposal mechanism and responsibility ascertainment mechanism, prevent and properly deal with the mass and sudden events, practically resolve the masses' reasonable appeal and legally maintain the social stability.

Part 11 Strengthen Socialist Democratic and Political Construction

Adhere to the comprehensive development of political civilization and material civilisation, expand socialist democracy, improve socialist legal system and provide political guarantee for the modernization construction.

Chapter 43 Strengthen the Socialist Democratic and Political Construction

Section 1 Develop Socialist Democracy

Adhere to and improve the system of people's congress, the system of multi-party cooperation and political consultation led by the Communist Party of China and the system of regional autonomy of minority nationalities. Actively and reliably continue to push the reform of the political structure and consolidate and develop the political situation characterized by democracy, solidarity, liveliness, stability and harmony.

Improve the democratic system, enrich democratic form, expand the citizens' orderly political participation and ensure that citizens legally carry out democratic election, democratic decision making, democratic management and democratic supervision. Strengthen grassroots democratic construction, adhere and complete public affair disclosure, factory affair disclosure, village affair disclosure and ensure that citizens legally execute the right to vote, right to learn the truth, right to precipitate and right to supervise. Respect and safeguard human rights and promote the comprehensive development of human right causes.

Consolidate and strengthen the most extensive patriotic united front and improve the consultative system prior to making decisions for major problems. Exert the functions of the Chinese People's Political Consultative Conference and support the Chinese People's Political Consultative Conference to fulfil their functions of political consultation, democratic supervision and participation in and discussion of government and political affairs. Adhere and complete the congress of staff and workers and other forms of enterprises and institutions democratic management systems. Exert the bridge and link functions of the people's organizations such as labour union, Youth League and Women's Federation. Ensure that autonomous minority nationality areas legally exercise their power of autonomy, consolidate and enhance socialist ethnic relations of equality, solidarity and mutual assistance and promote common prosperity and progress for all our ethnic groups. Comprehensive implement the policy of freedom of religion, legally manage religious affairs, uphold the principle of self-administration and running religious affairs independently and guide the accordance between religious beliefs and socialist society. Implement the policies concerning overseas Chinese affairs and well carry out the work of overseas Chinese affairs.

Section 2 Comprehensively Push Legality Building

Implement the basic principle of ruling the country by law, push scientific legislation and democratic legislation and form a socialist system of laws with Chinese characteristics. Improve the laws and regulations in market subject, market trade, market supervision, social management and sustainable development. Push forward the reform of judicial system and work mechanism, standard judicial act, strengthen judicial supervision, promote judicial justice and maintain social justice and judicial authority. Implement the "Fifth Five-Year law promulgation plan", carry out legal system publicity and education, improve all the people's legal quality and form the social climate of law abidance and acting in strict with the law.

Section 3 Strengthen the improvement of the Party's work style and building of clean government

Adhere to the policy of addressing both the symptoms and root causes of corruption, comprehensive treatment, paying equal attention to punishment and prevention and emphasizing prevention and establish and complete the corruption punishment and prevention system with equal attention paid to education, system and supervision. Increase the strength of preventing and treating corruption from the sources. Push forward the system, mechanism and institutional

innovation of fighting against corruption and calling for honest administration, strengthen the restriction and supervision for right operation, strengthen the supervision of specialized governmental agencies and society and safeguard the citizens' right to impeach, right of accusation and right of appeal. Seriously investigate and prosecute the cases of discipline and law breach and resolutely rectify the unhealthy tendency that harms the masses' interests.

Part 20 Strengthen the Socialist Cultural Construction

Keep the orientation of advanced culture firmly in hand, keep to the orientation of serving the people and socialism and the principle of letting a hundred flowers blossom and a hundred schools of thought contend, prosper socialist culture and continuously meet the people and the masses' increasingly growing demand of spiritual culture.

Chapter 44 Strengthen the Socialist cultural Construction

Section 1 Promote ideological and ethical progress

Comprehensively implement Dengxiao Theory and the Important Thought of Three-Represents, deeply study and implement the scientific concept of development, strengthen Marxist theoretical research and construction, adhere to the guidance position of Marxism in the field of ideology and further consolidate the common ideological basis for the Chinese people of all ethnic groups for solidarity and struggle. Adhere to correct guidance of public opinion. Strengthen ideal and faith education and ideological and political work, all out carry forward the national spirit with patriotism as the core and time spirit with reform and innovation as the core, strengthen the construction of socialist ideology and morality, carry out the mass spiritual civilization creation activities in a down-to-earth manner, advocate the basic moral standards such as patriotism, law observation, good faith, solidarity and amiability, thrift and self-improvement, career respect and dedication, carry forward the excellent tradition of arduous struggle, further reinforce the cohesion of Chinese nation, make all the people be always filled with an enterprising spirit and provide powerful ideological guarantee and spiritual impetus for building a well off society in an all-round way.

Section 2 Enrich the People and the Masses' cultural life

Actively develop cultural undertakings and cultural industry and create more and better excellent cultural products meeting the need of the people and the masses. Increase the investment of the government in the cultural undertakings and gradually form the relatively complete public cultural service system covering the whole society. Push forward cultural innovation, implement the strategy of product excellence, prosper art creation and improve the quality of cultural and art products. Strengthen the protection of cultural and natural heritage and ethnical and folk culture. Expand the coverage of broadcast and movie and television, develop digital broadcast and movie and television and ensure broadcast safety. Prosper journalism. Develop modern publication and issuance industry, actively develop digital publication and lay stress on the construction of network media. All out popularize Putonghua. Expand international cultural exchange, actively explore international cultural market and push Chinese culture to enter the world. Make Shanghai Expo a success.

Special Column 17: Key Public Cultural Construction Project

Extension of radio and TV coverage to every village: comprehensive realize that the villages that contains over 20 families get the access to cable radio and TV

Rural motion picture projection: basically realize that a movie is projected in each village every month in all rural areas in the country.

Construction of village and town comprehensive cultural station: basically realize that all villages and towns in the country have built a comprehensive cultural station.

Cultural information resource sharing: push the cultural resource digitalization and promote cultural information resource sharing with emphasis given to rural areas.

Protection of major cultural and natural heritage: strengthen the construction of protection and utilization facilities for world heritage, major historical and cultural relics under state protection, major national famous scenic sites and national famous historical and cultural city (town, village) and construct protection facilities for rescue cultural relic.

“Tibet-Xinjiang Project”: strengthen the construction of broadcast and TV facilities in Tibet and Xinjiang etc, expand coverage, improve listening and watching quality and reinforce the safeguard ability for transmission safety.

Construction of major cultural facilities: push the construction national and local major cultural facilities such as National Museum, Chinese Art Gallery (Phase II) and National Drama Theatre.

Section 3 Deepen the Reform of Cultural System

Establish the cultural management system and vibrant cultural product production and operation mechanism led by the Party committee, managed by the government, self-disciplined by the industry and legally operated by enterprises and institutions. Improve the support mode for public and cultural organizations to promote them to reinforce vigour and improve service. Push forward the system transformation of operating cultural cause institutions and make efforts to form a group of cultural enterprises and enterprise groups that keep to the advanced socialist cultural orientation and have relatively strong independent innovation capability and market competitive power. Improve cultural industrial policies, promote the development of national cultural industry, guide and standardize the entry of non-public economy into cultural industry and form the cultural industrial pattern with public ownership as the subject and common development of multiple types of ownership and the cultural market pattern with natural culture as the subject and attraction of exotic beneficial culture. Strengthen the comprehensive law enforcement for cultural market and management for Internet, adhere to anti-pornography and forgery actions and build the social environment of supporting healthy culture, innovating backward culture and resisting decadent culture. Actively advocate the construction of enterprise culture.

Part 13 Strengthen the National Defence and Army Building

According to the requirements of safeguarding our national security and unity and development interest, strengthen national defence and army modernization construction and form the favourable situation of the coordinated development between national defence construction and economic construction.

Catcher 45 Strengthen National Defence and Army Building

Section 1 Comprehensively Strengthen Army Building

The army must take Mao Zedong's military thinking and Deng Xiaoping's thinking on army building in the new period and Jiang Zemin's thinking on national defence and army building as the guide, take the scientific concept of development as the important guideline for strengthening national defence and army building, adhere to the Party's absolute leadership for the army, implement the positive defence military strategic policy, have an eye to effectively fulfilling the historical mission of the new phase army in the new century, comprehensively strengthen the army revolutionization, modernization and regularization construction, actively push forward the military change with Chinese characteristic and make efforts to improve the army's overall defence and combat capability under informatization conditions. Always put the ideological and

political construction in the first place of various constructions and maintain the correct orientation of army building. Carry out the strategy of building a strong army through science and technology and push forward the combined development of mechanization and informatization. Deepen the adjustment and reform of system and organization and policy system, optimize force structure and military establishment and reinforce the vitality of army building. Innovate military theory, strengthen army training and university and college education, train new type military talents and improve the quality of officers and soldiers. Develop modernized materiel facilities, optimize system architecture and improve supporting level. Push forward logistics construction and reform, reinforce comprehensive safeguard ability and improve the living standard of officers and soldiers. Strengthen the construction at grassroots level and lay a solid construction foundation. Implement the policy of running the army strictly in accordance with the law, strengthen the construction of style and discipline, strictly conduct army management and education and ensure the high stability and concentration and unification of the army. Strengthen the construction of the armed police forces and make efforts to improve the ability of duty, dealing with sudden events and anti-terrorism. Deeply carry out "Two Support" activities; the army shall actively participate in emergency rescue and disaster relief and support the national economic construction and the government and society shall well carry out the work special care and placement and consolidate and develop the solidarity between the army and the government and between the army and the people.

Section 2 Adjust and Optimize National Defence Science and Technology Industry

Adhere to the policy of combination of the army and the people, combination of military efforts with civilian support, strengthening the basis and independent innovation, accelerate the transformation and upgrading of national defence science and technology and industry, improve the high tech innovation ability and develop the technology and product competent for both military and civilian purposes. Push the construction of digitalized military industry, improve the research and development and manufacturing level of arms and equipment, ensure the supply of arms and equipment. Adjust and optimize the military product scientific research and production capacity structure, promote the core capability of overall design, general assembly test and system integration, strength scientific research and production subject and push specialized restructuring and socialized coordination. Actively and reliably implement the reform of military industrial scientific research institutes. Establish society oriented military product scientific research and production assess and exit system and improve coordination mechanism of interaction and cooperation between the army and the people. With property right system reform as breakthrough, remould military industrial enterprises with the stock system. Deepen military industrial investment system reform and push the pluralistic investment subjects.

Section 3 Reinforce National Defence Mobilization Ability

Deepen the reform of the national defence mobilization system and operation system, implement the requirements of national defence in economic construction and gradually establish the centralized, unified, structurally rational, quick response, authoritative and highly efficient modern national defence mobilization system. Strengthen the militia and reserves, well carry out the construction of national economy mobilization, the people's air defence and comprehensive protection capability. Strengthen national defence infrastructural construction and legally protect national defence facilities.

Part 14 Establish and Complete the Planning and Implementation Mechanism

Under the conditions that the socialist market economic system is preliminarily established, realize the objective and task of this plan and mainly rely on exerting the basic actions of market distribution resources. At the same time, the government shall correctly fulfil its responsibilities, regulate and control and guide social resources, rationally allocate public resources and safeguard the smooth implementation of the plan.

Chapter 46 Establish the Implementation Mechanism for Guidance to Different Types of Areas

The development orientation of agricultural, industrial and service industrials put forward in this plan and the key points of development for making use of foreign investment and foreign trade etc are the orientation for market subject and are implemented mainly by relying on the independent behaviour of market subject. The governments at various levels shall maintain fair competition, strictly prohibit from local segmentation and departmental protection, shall not directly intervene in the enterprises operation activities or intervene in the normal operation of market mechanism.

The key tasks determined in this plan such as maintaining relatively rapid and stable economic development, changing economic growth mode, regulating and optimizing economic structure, reinforcing independent innovation capability, constructing new socialist village, promoting regional coordinated development, promoting sound urbanization development and constructing resource saving and environmentally friendly society are mainly realized by improving market mechanism and interest-orientation mechanism. The government shall build the favourable system and policy environment for the inspiration of the market subject initiatives and creativity by means of system and mechanism innovation and improvement policy. Stated own enterprises and institutions shall play the leading and demonstration role.

The tasks in the public service fields determined in this plan such as compulsory education, public health, social security, social assistance, employment promotion, poverty reduction, disaster prevention and reduction, public safety, basic science and leading edge technology as well as social welfare technological research and national defence are the government's commitment and governments at various levels shall practically fulfil the functions and do everything to complete them by using public resources.

The requirements proposed in this plan such as subject functional division, ecological environmental protection, resource management, intellectual property rights protection, income distribution regulation, market economic order maintenance, the people's legal rights and interests safeguard and social construction and management are mainly implemented by legal means such as completing laws and regulations and increasing the strength of law enforcement associated with economic means.

The reform task determined in this plan is the government's important responsibilities and must be placed in the important position of the government work. It is necessary to strengthen the overall guidance and unified planning and coordination for the reform, decompose the reform tasks into and related departments, lose no time to push them forward and promptly determine the tried and true reform measures using the form of laws, rules and regulations and systems.

Chapter 47 Adjust and Improve Economic Policy

In the principle that the public finance is submitted to and serves the public policy and in accordance with that the key point of the public finance allocation shall turn to providing equal basic public service for the whole people, rationally divide intergovernmental duties and responsibilities and rationally define the scope of fiscal expenditure. The preferred fields of public finance budget arrangement are: rural compulsory education and public health, rural science and technology transfer, vocational education, rural labour force training, employment promotion,

social security, poverty reduction, family planning, disaster prevention and reduction, public safety, public culture, basic science and leading edge technology as well as social welfare technological research, geological exploration for energy and important mineral resource, pollution prevention and control, ecological protection, resource management and national safety etc. the key supported regions are: restricted development zone and prohibited development zone, Central and West Regions and especially old revolutionary base areas, minority nationality regions, border areas, poverty stricken areas, Three Gorges Reservoir area and resource depletion cities etc.

Sufficiently exert the regulation action of tax revenues, complete and formulate the tax policies that encourage the construction of resource saving and environmentally friendly society, promote employment and reemployment, promote scientific and technological development, reinforce independent innovation capability, promote cultural system reform and the sound development of equipment manufacturing industry and other industries.

According to the principle of concentrating socialist efforts to deal with great events, gradually increase the scale of the Central Government's investment on the basis of economic development and financial capability increase. Improve the government investment management system, integrate government investment, improve investment mode and strengthen project supervision and management.

Strengthen and improve industrial policy work, reinforce the unified planning for domestic industry development and forest investment introduction, strengthen the cooperation of the policies in credit, land, environmental protection, safety and science and technology with the industrial policy and use economic means to promote the development of industries. Strengthen the support for the weak links of high tech industries and equipment manufacturing industry, mainly support research and development and foster core competitive power. According to the principle of appropriate tightness, regulate and control the scale of high energy consumption industries and control the blind expansion of production capacity. According to the principle of guiding industries to develop in groups and reducing trans-regional large scaled resource mobilization, optimize industry layout and promote the industries that mainly use sea route to import resources to be arranged in the coastal regions and the industries that mainly use domestic resources and land route to import resources to be arranged in the major central and west development regions. Implement brand strategy and support the big enterprises that possess independent intellectual property rights and well known brands and strong competitive power to become trans-national companies. Implement the medium and small enterprises growth project. Legally eliminate the backward processes and techniques and close down the enterprises that destruct resources, pollute environment and do not have the conditions for safety production.

Special Column 18: Key Fields Supported by the Central Government Investment

New village construction: popularize and consolidate rural compulsory education, rural labor force transfer and employment, public health and basic medical service system, drinking water safety, rural road, marsh gas etc renewable energy resources, rural power grid, rural public culture, high quality grain industry project, soil fertilization project, vegetation protection project, irrigation area construction, animal epidemic prevention system and crop production and livestock breeding fine breed project etc.

Public service: compulsory education, secondary vocational education, labor force skill training, major disease prevention and treatment system, grassroots public health, social welfare, public culture and sports facilities, infrastructure of public security organs, prosecutorial organs, people's courts and justice departments, employment service, community service, food and drug safety supervision and management facilities, safety production supervision and coal mine safety supervision facilities and supporting system, flood prevention, weather and earthquake etc disaster prevention and reduction, coal cutting setting area treatment, work relief and poverty reduction through relocation for poverty stricken areas, ecological resettlement and development of minority nationality regions and border areas etc.

Resource environment: geological survey of energy and important mineral resources, ecological environmental protection and remediation, environmental pollution treatment, energy conservation and water and land saving, recycle economy demonstration etc.

Independent innovation: knowledge innovation project, major scientific project and scientific and technological infrastructure, high tech industrialization, independent research and development and nationalization of major technical equipment, resource saving technology research and development and transfer demonstration.

Infrastructure: national railway, national expressway, important port and navigation channel, hub airport and important branch line airport, air

traffic control facilities, major hydro projects such as South-North Water Transfer, big river governance, informatization and information safety infrastructure, strategic material reserve, renewable energy resources, fuel gas and centralized heating facilities, town sewage and waste treatment facilities etc.

Chapter 48 Improve the Planning and Management System

Strengthen the unified planning and coordination. Continue to handle well the balance between the total demand and total supply and particularly strengthen the system coordination, planning coordination and policy coordination. Unifiedly plan and coordinate the policy objective and policy means, well carry out the cooperation between financial policy, monetary policy, industrial policy, regional policy, social policy and political achievement evaluation and prevent national policy departmentalization. Unifiedly plan and coordinate long term development and short term develop. Near term measures shall be conducive to resolving the long term difficulty, system reform, policy formulation, investment arrangement and development speed determination shall sufficiently consider sustainability and prevent from being impatient for success.

Reform planning and management system, improve scientific and democratized compilation procedure and form the unified and linking planning system commanded by the national economy and social development planning and with clear orientation of various plans and complementary functions. Deepen and consolidate urban planning, land use planning, environmental protection planning and special planning for grain, energy and traffic etc. compile national primary function division planning and define the range, functional orientation, development direction and regional policies for the primary fictional areas. Strengthen regional planning work and compile the regional planning form some primary functional areas. Reform and complete local planning and deepen city and country planning system reform.

The obligatory indicators determined in this plan has legal force and should be incorporated all regions and all departments' comprehensive evaluation and performance evaluation for economic and social development. The obligatory indicators shall be decomposed into related departments and the indicators such as farmland retention quantity, reduction of energy consumption per unit gross domestic product and reduction of total discharge of major pollutants etc should be decomposed into all provinces, autonomous regions and municipalities directly under the Central Government.

Related department of the State Council shall strengthen the trade analysis for the implementation of this plan and receive the supervision and inspection of the implementation of the plan by the National People's Congress and its Standing Committee.

In the mid-phase of the implementation of this plan, it is necessary to carry out interim evaluation for the implementation of the plan. The interim evaluation report should be submitted to the Standing Committee of the National People's Congress for deliberation. When it is necessary to revise this plan after the interim evaluation, it should be reported to the Standing Committee of the National People's Congress for approval.

Maintain the long term prosperity and stability of Hong Kong and Macao. Continue to steadfastly implement the policy of "one country, two systems", Hong Kong People governing Hong Kong, Macao People governing Macao and a high degree of autonomy, handle things in strict conformity with the Basic Law of special administrative region, strengthen and push the exchange and cooperation between Mainland and Hong Kong and Macao in the fields of economy and trade, science and education, culture, health and sports etc, continue to implement the closer economic and trade relation arrangement between the Mainland and Hong Kong and Macao and strengthen the cooperation between the Mainland and Hong Kong and Macao in infrastructural construction, industrial development, resource utilization and environmental protection. Support Hong Kong to develop the service industries such as finance, material circulation, tourism and information and maintain Hong Kong's centre position in international finance, trade and maritime navigation. Support Macao to develop service industries such as tourism and promote the moderate and pluralistic development of Macao's economy.

Taiwan is the inseparable sacred territory of the People's Republic of China. We should push the development of cross-strait relations and the great cause of peaceful reunification, expand cross-strait economic, cultural, scientific and technological and educational exchange and visits back and forth by individuals, maintain the legitimate rights and interests of Taiwan compatriots, push ahead the direct, two-way and complete "Three Links", promote the establishment of stable cross-strait economic and trade cooperation mechanism, promote the development of cross-strait relations and maintain the peace and stability in Taiwan Strait.

The Eleventh Five-Year Plan is the important plan in the progress of building a well-off society in an all round way. The people of all ethnic groups in the country shall, under the leadership of the Communist Party of China, be closely united around the Central Committee of the Party led by General-Secretary Hu Jintao, hold high the banner of Deng Xiaoping Theory and carry out the important thoughts of "Three Represents", comprehensively implement the scientific concept of development, enliven our spirit, do a solid job, be enterprising and forge ahead triumphantly and strive for the realization of the Eleventh Five-Year Plan and the magnificent objective of building a well off society in an all round way (end).

中华人民共和国国民经济和社会发展第十一个五年规划纲要

目 录

第一篇 指导原则和发展目标

第一章 全面建设小康社会的关键时期

第二章 全面贯彻落实科学发展观

第三章 经济社会发展的主要目标

第二篇 建设社会主义新农村

第四章 发展现代农业

第五章 增加农民收入

第六章 改善农村面貌

第七章 培养新型农民

第八章 增加农业和农村投入

第九章 深化农村改革

第三篇 推进工业结构优化升级

第十章 加快发展高技术产业

第十一章 振兴装备制造业

第十二章 优化发展能源工业

第十三章 调整原材料工业结构和布局

第十四章 提升轻纺工业水平

第十五章 积极推进信息化

第四篇 加快发展服务业

第十六章 拓展生产性服务业

第十七章 丰富消费性服务业

第十八章 促进服务业发展的政策

第五篇 促进区域协调发展

第十九章 实施区域发展总体战略

第二十章 推进形成主体功能区

第二十一章 促进城镇化健康发展

第六篇 建设资源节约型、环境友好型社会

第二十二章 发展循环经济

第二十三章 保护修复自然生态

第二十四章 加大环境保护力度

第二十五章 强化资源管理

第二十六章 合理利用海洋和气候资源

第七篇 实施科教兴国战略和人才强国战略

第二十七章 加快科学技术创新和跨越

第二十八章 优先发展教育

第二十九章 推进人才强国战略

第八篇 深化体制改革

第三十章 着力推进行政管理体制改革的

第三十一章 坚持和完善基本经济制度

第三十二章 推进财政税收体制改革

第三十三章 加快金融体制改革

第三十四章 完善现代市场体系

第九篇 实施互利共赢的开放战略

第三十五章 加快转变对外贸易增长方式

第三十六章 提高利用外资质量

第三十七章 积极开展国际经济合作

第十篇 推进社会主义和谐社会建设

第三十八章 全面做好人口工作

第三十九章 提高人民生活水平

第四十章 提高人民健康水平

第四十一章 加强公共安全建设

第四十二章 完善社会管理体制

第十一篇 加强社会主义民主政治建设

第四十三章 加强社会主义民主政治建设

第十二篇 加强社会主义文化建设

第四十四章 加强社会主义文化建设

第十三篇 加强国防和军队建设

第四十五章 加强国防和军队建设

第十四篇 建立健全规划实施机制

第四十六章 建立分类指导的实施机制

第四十七章 调整和完善经济政策

第四十八章 健全规划管理体制

中华人民共和国国民经济和社会发展第十一个五年（2006～2010 年）规划纲要根据《中共中央关于制定国民经济和社会发展第十一个五年规划的建议》编制，主要阐明国家战略意图，明确政府工作重点，引导市场主体行为，是未来五年我国经济社会发展的宏伟蓝图，是全国各族人民共同的行动纲领，是政府履行经济调节、市场监管、社会管理和公共服务职责的重要依据。

第一篇 指导原则和发展目标

第一章 全面建设小康社会的关键时期

“十五”时期是不平凡的五年，我国综合国力明显增强，人民生活明显改善，国际地位明显提高。面对复杂多变的国内外形势，在全国各族人民共同努力下，我们有效抑制经济运行中出现的不稳定不健康因素，成功战胜非典疫情和重大自然灾害的挑战，从容应对加入世界贸易组织后的新变化，国民经济持续较快发展，“十五”计划确定的主要发展目标提前实现。工业化、城镇化、市场化、国际化步伐加快，经济体制改革不断深化，对外贸易迈上新台阶，国家财政收入大幅度增加，价格总水平保持基本稳定，城乡面貌和人民生活进一步改善，民族团结不断巩固，各项社会事业取得新进步，国防和军队建设取得新进展，社会主义民主政治和精神文明建设继续加强。更为重要的是，党中央提出了树立科学发展观和构建社会主义和谐社会的重大战略思想。这些都为“十一五”时期的发展奠定了良好基础。面向未来，我们站在一个新的历史起点上。

专栏1 “十五”计划主要指标实现情况				
指 标	2000 年	“十五” 计划目标	2005 年	“十五” 年均增长 (%)
国内生产总值年均增长 (%)		7		9.5
五年城镇新增就业 (万人)		[4000]		[4200]
五年转移农业劳动力 (万人)		[4000]		[4000]
城镇登记失业率 (%)	3.1	5	4.2	
价格总水平		基本稳定		1.4
货物进出口总额 (亿美元)	4743	6800	14221	24.6
研究与试验发展经费支出占国内生产 总值比重 (%)	0.9	1.5	1.3	
高等教育毛入学率 (%)	11.5	15	21	
高中阶段教育毛入学率 (%)	42.8	60	53	
初中毛入学率 (%)	88.6	90	95	
全国总人口 (万人)	126743	133000	130756	6.3‰
主要污染物排放总量减少 (%)		[10]		< [10]
城镇居民人均可支配收入年均增长 (%)		5		9.6
农村居民人均纯收入年均增长 (%)		5		5.3
城镇居民人均住宅建筑面积 (平方米)	20.3	22	26	5.1
注：研究与试验发展经费支出占国内生产总值比重按经济普查前数据 2005 年为 1.55%；带 [] 的为五年累计数。				

“十一五”时期是全面建设小康社会的关键时期，具有承前启后的历史地位，既面临难得机遇，也存在严峻挑战。

我国具备保持经济平稳较快发展和社会和谐进步的有利条件。城乡居民消费结构加速升级，将带动产业结构加快调整和城镇化加快发展，市场潜力巨大。劳动力资源丰富，国民储蓄率较高，基础设施不断改善，产业配套能力较强，科技教育具有较好基础，社会政治保持长期稳定。改革向纵深推进，社会主义市场经济体制逐步完善，将进一步激发社会活力和发展动力。和平、发展、合作成为当

今时代的潮流，世界政治力量对比有利于保持国际环境的总体稳定，经济全球化趋势深入发展，科技进步日新月异，生产要素流动和产业转移加快，我国与世界经济的相互联系和影响日益加深，国内国际两个市场、两种资源相互补充，外部环境总体上对我国发展有利。

在前进道路上还存在不少困难和问题。我国正处于并将长期处于社会主义初级阶段，生产力还不发达，制约发展的一些长期性深层次矛盾依然存在：耕地、淡水、能源和重要矿产资源相对不足，生态环境比较脆弱，经济结构不合理，解决“三农”问题任务相当艰巨，就业压力较大，科技自主创新能力不强，影响发展的体制机制障碍亟待解决。“十五”时期在快速发展中又出现了一些突出问题：投资和消费关系不协调，部分行业盲目扩张、产能过剩，经济增长方式转变缓慢，能源资源消耗过大；环境污染加剧，城乡、区域发展差距和部分社会成员之间收入差距继续扩大，社会事业发展仍然滞后，影响社会稳定的因素还较多。国际环境复杂多变，影响和平与发展的不稳定不确定因素增多，发达国家在经济科技上占优势的压力将长期存在，世界经济发展不平衡状况加剧，围绕资源、市场、技术、人才的竞争更加激烈，贸易保护主义有新的表现，对我国经济社会发展和安全提出了新的挑战。

在战略机遇与矛盾凸显并存的关键时期，要有高度的历史责任感、强烈的忧患意识和宽广的世界眼光，准确把握我国发展的阶段性特征，立足科学发展，着力自主创新，完善体制机制，促进社会和谐，全面提高我国的综合国力、国际竞争力和抗风险能力，开创社会主义经济建设、政治建设、文化建设、社会建设的新局面，为后十年顺利发展打下坚实基础，奋力把中国特色社会主义事业推向前进。

第二章 全面贯彻落实科学发展观

“十一五”时期促进国民经济持续快速协调健康发展和社会全面进步，要以邓小平理论和“三个代表”重要思想为指导，以科学发展观统领经济社会发展全局。坚持发展是硬道理，坚持抓好发展这个党执政兴国的第一要务，坚持以经济建设为中心，坚持用发展和改革的办法解决前进中的问题。发展必须是科学发展，要坚持以人为本，转变发展观念、创新发展模式、提高发展质量，落实“五个统筹”，把经济社会发展切实转入全面协调可持续发展的轨道。要坚持以下原则：

——必须保持经济平稳较快发展。要进一步扩大国内需求，调整投资和消费的关系，合理控制投资规模，增强消费对经济增长的拉动作用。正确把握经济发展趋势的变化，保持社会供求总量基本平衡，避免经济大起大落，实现又快又好发展。

——必须加快转变经济增长方式。要把节约资源作为基本国策，发展循环经济，保护生态环境，加快建设资源节约型、环境友好型社会，促进经济发展与人口、资源、环境相协调。推进国民经济和社会信息化，切实走新型工业化道路，坚持节约发展、清洁发展、安全发展，实现可持续发展。

——必须提高自主创新能力。要深入实施科教兴国战略和人才强国战略，把增强自主创新能力作为科学技术发展的战略基点和调整产业结构、转变增长方式的中心环节，大力提高原始创新能力、集成创新能力和引进消化吸收再创新能力。

——必须促进城乡区域协调发展。要从社会主义现代化建设全局出发，统筹城乡区域发展。坚持把解决好“三农”问题作为重中之重，实行工业反哺农业、城市支持农村，推进社会主义新农村建设，促进城镇化健康发展。落实区域发展总体战略，形成东中西优势互补、良性互动的区域协调发展机制。

——必须加强和谐社会建设。要按照以人为本的要求，从解决关系人民群众切身利益的现实问题入手，更加注重经济社会协调发展，千方百计扩大就业，加快发展社会事业，促进人的全面发展；更加注重社会公平，使全体人民共享改革发展成果；更加注重民主法制建设，正确处理改革发展稳定的关系，保持社会安定团结。

——必须不断深化改革开放。要坚持社会主义市场经济的改革方向，完善现代企业制度和现代产权制度，建立反映市场供求状况和资源稀缺程度的价格形成机制，更大程度地发挥市场在资源配置中的基础性作用，提高资源配置效率，切实转变政府职能，健全国家宏观调控体系。统筹国内发展和对外开放，不断提高对外开放水平，增强在扩大开放条件下促进发展的能力。

根据上述指导思想和原则，针对发展中的突出矛盾和问题，要进一步调整推动发展的思路，转变推动发展的方式，明确推动发展的政策导向。

——立足扩大国内需求推动发展，把扩大国内需求特别是消费需求作为基本立足点，促使经济增长由主要依靠投资和出口拉动向消费与投资、内需与外需协调拉动转变。

——立足优化产业结构推动发展，把调整经济结构作为主线，促使经济增长由主要依靠工业带动和数量扩张带动向三次产业协同带动和结构优化升级带动转变。

——立足节约资源保护环境推动发展，把促进经济增长方式根本转变作为着力点，促使经济增长由主要依靠增加资源投入带动向主要依靠提高资源利用效率带动转变。

——立足增强自主创新能力推动发展，把增强自主创新能力作为国家战略，促使经济增长由主要依靠资金和物质要素投入带动向主要依靠科技进步和人力资本带动转变。

——立足深化改革开放推动发展，把改革开放作为动力，促使经济增长由某些领域相当程度上依靠行政干预推动向在国家宏观调控下更大程度发挥市场配置资源基础性作用转变。

——立足以人为本推动发展，把提高人民生活水平作为根本出发点和落脚点，促使发展由偏重于增加物质财富向更加注重促进人的全面发展和经济社会的协调发展转变。

第三章 经济社会发展的主要目标

根据全面建设小康社会的总体要求，“十一五”时期要实现以下经济社会发展的主要目标：

——宏观经济平稳运行。国内生产总值年均增长 7.5%，实现人均国内生产总值比 2000 年翻一番。城镇新增就业和转移农业劳动力各 4500 万人，城镇登记失业率控制在 5%。价格总水平基本稳定。国际收支基本平衡。

——产业结构优化升级。产业、产品和企业组织结构更趋合理，服务业增加值占国内生产总值比重和就业人员占全社会就业人员比重分别提高 3 个和 4 个百分点。自主创新能力增强，研究与试验发展经费支出占国内生产总值比重增加到 2%，形成一批拥有自主知识产权和知名品牌、国际竞争力较强的优势企业。

——资源利用效率显著提高。单位国内生产总值能源消耗降低 20%左右，单位工业增加值用水量降低 30%，农业灌溉用水有效利用系数提高到 0.5，工业固体废物综合利用率提高到 60%。

——城乡区域发展趋向协调。社会主义新农村建设取得明显成效，城镇化率提高到 47%。各具特色的区域发展格局初步形成，城乡、区域间公共服务、人均收入和生活水平差距扩大的趋势得到遏制。

——基本公共服务明显加强。国民平均受教育年限增加到 9 年。公共卫生和医疗服务体系比较健全。社会保障覆盖面扩大，城镇基本养老保险覆盖人数达到 2.23 亿人，新型农村合作医疗覆盖率提高到 80%以上。贫困人口继续减少。防灾减灾能力增强，社会治安和安全生产状况进一步好转。

——可持续发展能力增强。全国总人口控制在 136000 万人。耕地保有量保持 1.2 亿公顷，淡水、能源和重要矿产资源保障水平提高。生态环境恶化趋势基本遏制，主要污染物排放总量减少 10%，森林覆盖率达到 20%，控制温室气体排放取得成效。

——市场经济体制比较完善。行政管理、国有企业、财税、金融、科技、教育、文化、卫生等领域的改革和制度建设取得突破，市场监管能力和社会管理水平明显提高。对外开放与国内发展更加协调，开放型经济达到新水平。

——人民生活水平继续提高。城镇居民人均可支配收入和农村居民人均纯收入分别年均增长 5%，城乡居民生活质量普遍提高，居住、交通、教育、文化、卫生和环境等方面的条件有较大改善。

——民主法制建设和精神文明建设取得新进展。法制建设全面推进，形成中国特色社会主义法律体系。思想道德建设进一步加强，构建和谐社会取得新进步。

专栏2 “十一五”时期经济社会发展的主要指标

类别	指标	2005 年	2010 年	年均增长 (%)	属 性
经济增长	国内生产总值 (万亿元)	18.2	26.1	7.5	预期性
	人均国内生产总值 (元)	13985	19270	6.6	预期性
经济结构	服务业增加值比重 (%)	40.3	43.3	[3]	预期性
	服务业就业比重 (%)	31.3	35.3	[4]	预期性
	研究与试验发展经费支出占国内生产总值比重 (%)	1.3	2	[0.7]	预期性
	城镇化率 (%)	43	47	[4]	预期性
人口资源环境	全国总人口 (万人)	130756	136000	<8‰	约束性
	单位国内生产总值能源消耗降低 (%)			[20]	约束性
	单位工业增加值用水量降低 (%)			[30]	约束性
	农业灌溉用水有效利用系数	0.45	0.5	[0.05]	预期性
	工业固体废物综合利用率 (%)	55.8	60	[4.2]	预期性
	耕地保有量 (亿公顷)	1.22	1.2	-0.3	约束性
	主要污染物排放总量减少 (%)			[10]	约束性
公共服务人民生活	森林覆盖率 (%)	18.2	20	[1.8]	约束性
	国民平均受教育年限 (年)	8.5	9	[0.5]	预期性
	城镇基本养老保险覆盖人数 (亿人)	1.74	2.23	5.1	约束性
	新型农村合作医疗覆盖率 (%)	23.5	>80	>[56.5]	约束性
	五年城镇新增就业 (万人)			[4500]	预期性
	五年转移农业劳动力 (万人)			[4500]	预期性
	城镇登记失业率 (%)	4.2	5		预期性
	城镇居民人均可支配收入 (元)	10493	13390	5	预期性
	农村居民人均纯收入 (元)	3255	4150	5	预期性

注: 国内生产总值和城乡居民收入为 2005 年价格; 带[]的为五年累计数; 主要污染物指二氧化硫和化学需氧量。

专栏3 规划指标的属性

本规划确定的发展目标体现了人民的根本利益和长远利益，是凝聚人民意愿的国家战略意图，其中的量化指标分为预期性和约束性两类。

预期性指标是国家期望的发展目标，主要依靠市场主体的自主行为实现。政府要创造良好的宏观环境、制度环境和市场环境，并适时调整宏观调控方向和力度，综合运用各种政策引导社会资源配置，努力争取实现。

约束性指标是在预期性基础上进一步明确并强化了政府责任的指标，是中央政府在公共服务和涉及公众利益领域对地方政府和中央政府有关部门提出的工作要求。政府要通过合理配置公共资源和有效运用行政力量，确保实现。

第二篇 建设社会主义新农村

坚持统筹城乡经济社会发展的基本方略，在积极稳妥地推进城镇化的同时，按照生产发展、生活宽裕、乡风文明、村容整洁、管理民主的要求，扎实稳步推进新农村建设。

第四章 发展现代农业

坚持把发展农业生产力作为建设社会主义新农村的首要任务，推进农业结构战略性调整，转变农业增长方式，提高农业综合生产能力和增值能力，巩固和加强农业基础地位。

第一节 提高农业综合生产能力

坚持粮食基本自给，稳定发展粮食生产，确保国家粮食安全，粮食综合生产能力达到5亿吨左右。加强粮食主产区生产能力建设，提高粮食单产、品质和生

产效益。建立粮食主产区与主销区间利益协调机制。抓好其他区域粮食生产能力建设。

坚持最严格的耕地保护制度，确保基本农田总量不减少、质量不下降。加强以小型水利设施为重点的农田基本建设，改造大型灌区，加快中低产田改造，提高耕地质量和农业防灾减灾能力。

提高农业科技创新和转化能力。加快建设国家农业科技创新基地和区域性农业科研中心。加快农作物和畜禽水产良种繁育、饲料饲养、疫病防治、资源节约、污染治理等技术的研发和推广。培育和推广超级杂交水稻等优良品种。加强物种资源保护和合理开发利用。

改革传统耕作方式，推行农业标准化，发展节约型农业。科学使用化肥、农药和农膜，推广测土配方施肥、平衡施肥、缓释氮肥、生物防治病虫害等适用技术。推广先进适用农机具，提高农业机械化水平。

第二节 推进农业结构调整

优化农业产业结构。在保证粮棉油稳定增产的同时，提高养殖业比重。加快发展畜牧业和奶业，保护天然草场，建设饲草料基地，改进畜禽饲养方式，提高规模化、集约化和标准化水平。因地制宜发展经济林和花卉产业。发展水产养殖和水产品加工，实施休渔、禁渔制度，控制捕捞强度。

优化农业产品结构。发展高产、优质、高效、生态、安全农产品。重点发展优质专用粮食品种、经济效益高的经济作物、节粮型畜产品和名特优新水产品。

优化农业区域布局。提高黄淮海平原、长江中下游平原和东北平原的粮食综合生产能力。在气候条件适宜区域建设经济作物产业带和名特优新稀热带作物产

业带。发展农区、农牧交错区畜牧业，在南方草山草坡和西南岩溶地区发展草地畜牧业，恢复和培育传统牧区可持续发展能力。在缺水地区发展旱作节水农业。

第三节 加强农业服务体系建设

健全农业技术推广、农产品质量安全和标准、动物防疫和植物保护、认证认可等服务体系。整合涉农信息资源，加强农村经济信息应用系统建设。推进农业服务组织和机制创新，鼓励和引导农民发展各类专业合作经济组织，提高农业的组织化程度。

第四节 完善农村流通体系

推进农产品批发市场建设和改造，促进农产品质量等级化、包装规格化。继续实施“万村千乡市场工程”，加快供销合作社经营网络改造和城市商业网点向农村延伸。完善鲜活农产品“绿色通道”网络。发展农资连锁经营，规范农资市场秩序。

第五章 增加农民收入

第一节 挖掘农业增收潜力

积极发展品种优良、特色明显、附加值高的优势农产品。延长农业产业链条，使农民在农业功能拓展中获得更多收益。发展农产品加工、保鲜、储运和其他服务。支持发展农业产业化经营，培育带动力强的龙头企业，健全企业与农户利益共享、风险共担的机制。扩大养殖、园艺等劳动密集型产品和绿色食品生产。鼓励优势农产品出口。发展休闲观光农业。

第二节 增加非农产业收入

推动乡镇企业机制创新和结构调整,引导乡镇企业向有条件的小城镇和县城集中。扶持县域经济发展,注重发展就业容量大的劳动密集型产业和服务业,壮大县域经济。健全就业信息服务体系,引导富余劳动力向非农产业和城镇有序转移,保障进城务工人员合法权益,增加农民务工收入。

第三节 完善增收减负政策

继续实行对农民的直接补贴政策,加大补贴力度,完善补贴方式。促进农产品价格保持在合理水平,稳定农业生产资料价格,建立农业支持保护制度。严格涉农收费管理,禁止向农民乱收费、乱摊派。

第六章 改善农村面貌

统筹规划、分步实施,政府引导、群众自愿,因地制宜、注重实效,改善农民生产生活条件。

第一节 加强农村基础设施建设

着力加强农民最急需的生产生活设施建设。加快实施农村饮水安全工程。加强农村公路建设,基本实现全国所有乡镇通油(水泥)路,东中部地区所有具备条件的建制村通油(水泥)路,西部地区具备条件的建制村通公路,健全农村公路管护体系。积极发展农村沼气、秸秆发电、小水电、太阳能、风能等可再生能源,完善农村电网。建立电信普遍服务基金,加强农村信息网络建设,发展农村邮政和电信,基本实现村村通电话、乡乡能上网。按照节约土地、设施配套、节能环保、突出特色的原则,做好乡村建设规划,引导农民合理建设住宅,保护有特色的农村建筑风貌。

第二节 加强农村环境保护

开展全国土壤污染现状调查，综合治理土壤污染。防治农药、化肥和农膜等面源污染，加强规模化养殖场污染治理。推进农村生活垃圾和污水处理，改善环境卫生和村容村貌。禁止工业固体废物、危险废物、城镇垃圾及其他污染物向农村转移。

第三节 积极发展农村卫生事业

加强以乡镇卫生院为重点的农村卫生基础设施建设，健全农村三级卫生服务和医疗救助体系。培训乡村卫生人员，开展城市医师支援农村活动。建设农村药品供应网和监督网。加强禽流感等人畜共患疾病防治。完善农村计划生育服务体系，实施农村计划生育家庭奖励扶助制度和“少生快富”工程。

第四节 发展农村社会保障

探索建立与农村经济发展水平相适应、与其他保障措施相配套的农村养老保险制度。基本建立新型农村合作医疗制度。有条件的地方要建立农村最低生活保障制度。完善农村“五保户”供养、特困户生活补助、灾民救助等社会救助体系。

第七章 培养新型农民

加快发展农村教育、技能培训和文化事业，培养造就有文化、懂技术、会经营的新型农民。

第一节 加快发展农村义务教育

着力普及和巩固农村九年制义务教育。对农村义务教育阶段学生免收学杂费，对其中的贫困家庭学生免费提供课本和补助寄宿生生活费。按照明确各级责任、中央地方共担、加大财政投入、提高保障水平、分步组织实施的原则，将农村义务教育全面纳入公共财政保障范围，构建农村义务教育经费保障机制。实施

农村教师培训计划，使中西部地区 50% 的农村教师得到一次专业培训。鼓励城市各单位开展智力支农，加大城镇教师支援农村教育的力度。全面实施农村中小学远程教育。

第二节 加强劳动力技能培训

支持新型农民科技培训，提高农民务农技能和科技素质。实施农村劳动力转移培训工程，增强农村劳动力的就业能力。实施农村实用人才培训工程，培养一大批生产能手、能工巧匠、经营能人和科技人员。

第三节 发展农村文化事业

加强农村文化设施建设，扩大广播电视和电影覆盖面。引导文化工作者深入乡村，满足农民群众精神文化需求。扶持农村业余文化队伍，鼓励农民兴办文化产业。推动实施农民体育健身工程。开展“文明村镇”和“文明户”活动，引导农民形成科学文明健康的生活方式。

第八章 增加农业和农村投入

坚持“多予少取放活”的方针，加快建立以工促农、以城带乡的长效机制。调整国民收入分配格局，国家财政支出和预算内固定资产投资，要按照存量适度调整、增量重点倾斜的原则，不断增加对农业和农村的投入。扩大公共财政覆盖农村的范围，确保财政用于“三农”投入的增量高于上年，新增教育、卫生、文化财政支出主要用于农村，中央和地方各级政府基础设施建设的重点要放在农业和农村。改革政府支农投资管理方式，整合支农投资，提高资金使用效率。鼓励、支持金融组织增加对农业和农村的投入，积极发展小额信贷，引导社会资金投向农业和农村。

第九章 深化农村改革

稳定并完善以家庭承包经营为基础、统分结合的双层经营体制，有条件的地方可根据自愿、有偿的原则依法流转土地承包经营权，发展多种形式的适度规模经营，搞好土地承包流转中的仲裁服务。巩固农村税费改革成果，全面推进农村综合改革，基本完成乡镇机构、农村义务教育和县乡财政管理体制等改革任务。深化农村金融体制改革，规范发展适合农村特点的金融组织，发挥农村信用社的支农作用，建立健全农村金融体系。稳步推进集体林权改革。加快征地制度改革，健全对被征地农民的合理补偿机制。增强村级集体经济组织的服务功能。

大力推进农村基层组织建设。着重抓好村党组织建设，同步推进村民自治组织和其他村级组织配套建设。积极推进村级组织活动场所建设。加强农村基层干部队伍建设。推进政务公开和民主管理，健全村党组织领导的充满活力的村民自治机制。

专栏4 新农村建设重点工程

大型粮棉油生产基地和优质粮食产业工程➤在粮食主产区集中连片建设高产稳产大型商品粮生产基地，继续建设优质棉基地、优质油料带。在13个粮食主产区的484个粮食主产县（场），建设万亩连片标准粮田，实施良种繁育、病虫害防控和农机装备推进等项目。

沃土工程➤对增产潜力大的中低产田加大耕地质量建设力度，配套建设不同类型的土肥新技术集成转化示范基地，使项目实施区的中低产田耕地基础地力提高一个等级。

植保工程➤完善县（市）级基层站点和省级分中心，建设一批生态和生物控灾示范基地、农药安全测试评价中心和生物技术测试区域中心。

大型灌区续建配套改造和中部四省大型排涝泵站改造➤大型灌区续建配套和节水改造。更新改造湖南、湖北、江西、安徽四省已有大型排涝泵站。

种养业良种工程➤建设农作物种质资源库、农作物改良中心、良种繁育基地、畜禽水产原良种场、水产遗传育种中心、种质资源场及检测中心等。

动物防疫体系➤建设和完善动物疫病监测预警、预防控制、检疫监督、兽药质量监察及残留监控、防疫技术支撑、防疫物质保障六大系统。

农产品质量安全检验检测体系➤建设国家级农产品质量标准与检测技术研究中心、农产品质检中心、区域性质检中心，省级综合性农产品质检中心和县级农产品检测站。

农村饮水安全➤解决1亿农村居民饮用高氟水、高砷水、苦咸水、污染水和血吸虫病区、微生物超标等水质不达标及局部地区严重缺水问题。

农村公路➤新建和改造农村公路120万公里，实现所有具备条件的乡镇和行政村通公路。

农村沼气➤建设以沼气池、改圈、改厕、改厨为基本内容的农村户用沼气，以及部分规模化畜禽养殖场和养殖小区大中型沼气工程。

送电到村和绿色能源县工程➤建成50个绿色能源示范县，利用电网延伸、风力发电、小水电、太阳能光伏发电等，解决350万户无电人口用电问题。

农村医疗卫生服务体系➤以中西部地区乡镇卫生院为重点，同步建设县医院、妇幼保健机构、县中医院（民族医院）。

农村计划生育服务体系➤以中西部地区县、乡计划生育技术服务站为重点，建设县级服务站、中心乡镇服务站、流动服务车等。

农村劳动力转移就业➤加强农村劳动力技能培训、就业服务和维权服务能力建设，为外出务工农民免费提供法律政策咨询、就业信息、就业指导 and 职业介绍。

第三篇 推进工业结构优化升级

按照走新型工业化道路要求，坚持以市场为导向、企业为主体，把增强自主创新能力作为中心环节，继续发挥劳动密集型产业的竞争优势，调整优化产品结构、企业组织结构和产业布局，提升整体技术水平和综合竞争力，促进工业由大变强。

第十章 加快发展高技术产业

按照产业集聚、规模发展和扩大国际合作的要求，加快促进高技术产业从加工装配为主向自主研发制造延伸，推进自主创新成果产业化，引导形成一批具有核心竞争力的先导产业、一批集聚效应突出的产业基地、一批跨国高技术企业和一批具有自主知识产权的知名品牌。

第一节 提升电子信息制造业

根据数字化、网络化、智能化总体趋势，大力发展集成电路、软件和新型元器件等核心产业，重点培育光电通信、无线通信、高性能计算及网络设备等信息产业群，建设软件、微电子、光电子等产业基地，推动形成光电子产业链。开发信息产业关键技术，增强创新能力和竞争力，延伸产业链。

第二节 培育生物产业

发挥我国特有的生物资源优势和技术优势，面向健康、农业、环保、能源和材料等领域的重大需求，重点发展生物医药、生物农业、生物能源、生物制造。实施生物产业专项工程，努力实现生物产业关键技术和重要产品研制的新突破。健全市场准入制度，保护特有生物资源，保障生物安全。

第三节 推进航空航天产业

坚持远近结合、军民结合、自主开发与国际合作结合，发展新支线飞机、大型飞机、直升机和先进发动机、机载设备，扩大转包生产，推进产业化；推进航天产业由试验应用型向业务服务型转变，发展通信、导航、遥感等卫星及其应用，形成空间、地面与终端产品制造、运营服务的航天产业链。

专栏 5 高技术产业工程重大专项

集成电路和软件➤ 建设集成电路研发中心，实现 90 纳米及以下集成电路工艺技术产业化。发展基础软件、中间件、大型关键应用软件和集成系统。

新一代网络➤ 建设下一代互联网示范工程，覆盖全国的数字电视网和具有自主知识产权的移动通信示范网。实现新一代网络关键技术、关键设备和关键软件产业化，建成新一代信息网络基础设施。实施数字音视频产品产业化专项。

先进计算➤ 突破千万亿次高性能计算机系统技术，建设基于网格的先进计算平台，实现万亿次高性能计算机产业化。

生物医药➤ 建设一批重大疾病防治疫苗和基因工程药物产业化示范工程，完善现代中药体系，提高新药创制能力。

民用飞机➤ 发展干线、支线、通用飞机和直升机。开发先进发动机。

卫星应用➤ 研制新型气象、海洋、资源、通信等卫星，开发无毒无污染大推力运载火箭。建设对地观测和导航定位卫星系统、民用卫星地面系统设施及应用示范工程。

新材料➤ 建设信息、生物、航空航天等行业急需的各类高性能新型材料产业化示范工程。

第四节 发展新材料产业

围绕信息、生物、航空航天、重大装备、新能源等产业发展的需求，重点发展特种功能材料、高性能结构材料、纳米材料、复合材料、环保节能材料等产业群，建立和完善新材料创新体系。

第十一章 振兴装备制造业

第一节 振兴重大技术装备

努力突破核心技术，提高重大技术装备研发设计、核心元器件配套、加工制造和系统集成整体水平。加强组织协调，强化政策支持，依托重点工程，完善技术标准，在高档数控机床与基础制造装备、高效清洁发电与输变电等领域研制一批对国家经济安全、技术进步、产业升级有重大影响和带动作用的重大技术装备，引导形成一批集研发设计制造于一体、竞争力强的企业。

第二节 提升汽车工业水平

增强汽车工业自主创新能力，加快发展拥有自主知识产权的汽车发动机、汽车电子、关键总成及零部件。发挥骨干企业作用，提高自主品牌乘用车市场占有率。鼓励开发使用节能环保和新型燃料汽车。引导企业在竞争中兼并重组，形成若干产能百万辆的企业。

第三节 壮大船舶工业实力

加强船舶自主设计能力、船用装备配套能力和大型造船设施建设，优化散货船、油船、集装箱船三大主力船型，重点发展高技术、高附加值的新型船舶和海洋工程装备。在环渤海、长江口和珠江口等区域建设造船基地，引导其他地区造船企业合理布局和集聚发展。

专栏6 装备制造业振兴的重点

大型高效清洁发电装备➤百万千瓦级核电机组、超超临界火电机组、燃气—蒸汽联合循环机组、整体煤气化燃气—蒸汽联合循环机组、大型循环流化床锅炉、大型水电机组及抽水蓄能机组、大型空冷机组、大功率风力发电机组等。

超高压输变电设备➤掌握 ± 500 千伏直流和750千伏交流输变电关键设备制造技术,开发1000千伏特高压交流和 ± 800 千伏直流输变电成套设备。

大型乙烯成套设备➤推进百万吨级大型乙烯成套设备和对二甲苯、对苯二甲酸成套设备的国产化。

大型煤化工成套设备➤煤炭液化和气化、煤制烯烃等设备。

大型冶金设备➤大型薄板冷热连轧成套设备及涂镀层加工成套设备等。

煤矿综合采掘设备➤大型煤炭井下综合采掘、运输提升和洗选设备以及大型露天矿设备。

大型船舶装备➤大型海洋石油工程设备、30万吨矿石和原油运输船、万标箱以上集装箱船、液化天然气运输船等大型、高技术、高附加值船舶及大功率柴油机等配套装备。

轨道交通装备➤掌握时速200公里及以上高速铁路列车、新型地铁车辆等装备核心技术,实现产业化。

环保及资源综合利用装备➤大气污染治理、城市及工业污水处理、固体废物处理等大型环保设备,海水利用、报废汽车处理等资源综合利用设备。

数控机床➤提高大型、精密、高速数控装备和数控系统及功能部件的水平。

坚持节约优先、立足国内、煤为基础、多元发展，优化生产和消费结构，构筑稳定、经济、清洁、安全的能源供应体系。

第一节 有序发展煤炭

加强煤炭资源勘探，统筹规划，合理开发，提高回采率，减少煤炭开采对生态环境的影响。建设大型煤炭基地，鼓励煤炭企业联合重组，引导形成若干产能亿吨级的企业。鼓励有优势的煤炭企业实行煤电联营或煤电运一体化经营。调整改造重组中小煤矿，依法关闭不具备安全生产条件、破坏资源和环境的煤矿。

加强煤矿瓦斯综合治理，加快煤层气开发利用。加强煤炭清洁生产和利用，鼓励发展煤炭洗选及低热值煤、煤矸石发电等综合利用，开发推广高效洁净燃烧、烟气脱硫等技术。发展煤化工，开发煤基液体燃料，有序推进煤炭液化示范工程建设，促进煤炭深度加工转化。

第二节 积极发展电力

以大型高效环保机组为重点优化发展火电。建设大型超超临界电站和大型空冷电站。推进洁净煤发电，建设单机60万千瓦级循环流化床电站，启动整体煤气化燃气—蒸汽联合循环电站工程。鼓励发展坑口电站，建设大型煤电基地。适度发展天然气发电。加快淘汰落后的小火电机组。

在保护生态基础上有序开发水电。统筹做好移民安置、环境治理、防洪和航运。建设金沙江、雅砻江、澜沧江、黄河上游等水电基地和溪洛渡、向家坝等大型水电站。适当建设抽水蓄能电站。

积极推进核电建设。重点建设百万千瓦级核电站，逐步实现先进压水堆核电站的设计、制造、建设和运营自主化。加强核燃料资源勘查、开采、加工工艺改造以及核电关键技术开发和核电人才培养。

加强电网建设。建设西电东送三大输电通道和跨区域输变电工程，扩大西电东送规模，继续推进西电东送、南北互济、全国联网。加强区域、省级电网建设，同步发展输配电网络，加强城乡电网建设和改造，完善城乡配电网络，扩大供电范围，确保供电安全。

第三节 加快发展石油天然气

加大石油天然气资源勘探力度。加强油气资源调查评价，扩大勘探范围，重点开拓海域、主要油气盆地和陆地油气新区，开展煤层气、油页岩、油砂、天然气水合物等非常规油气资源调查勘探。推进油气勘探开发主体多元化。

实行油气并举，稳定增加原油产量，提高天然气产量。加强老油田稳产改造，延缓老油田产量递减。加快深海海域和塔里木、准噶尔、鄂尔多斯、柴达木、四川盆地等地区的油气资源开发。坚持平等合作、互利共赢，扩大境外油气资源合作开发。在沿海地区适度建设进口液化天然气项目。扩建和新建国家石油储备基地。

加快油气干线管网和配套设施的规划建设，逐步完善全国油气管线网络。建成西油东送、北油南运成品油管道。适时建设第二条西气东输管道及陆路进口油气管道。

第四节 大力发展可再生能源

实行优惠的财税、投资政策和强制性市场份额政策，鼓励生产与消费可再生能源，提高在一次能源消费中的比重。大力开发风能，建成 30 个 10 万千瓦级以上的大型风电项目，在内蒙古、河北、江苏、甘肃等地区形成百万千瓦风电基地。加快开发生物质能，支持发展秸秆、垃圾焚烧和垃圾填埋气发电，建设一批秸秆和林木质电站，扩大生物质固体成型燃料、燃料乙醇和生物柴油生产能力。并网风电装机、生物质发电装机分别达到 500 万千瓦和 550 万千瓦。积极开发利用太阳能、地热能和海洋能。

第十三章 调整原材料工业结构和布局

按照控制总量、淘汰落后、加快重组、提升水平的原则，加快调整原材料工业结构和布局，降低消耗，减少污染，提高产品档次、技术含量和产业集中度。

第一节 优化发展冶金工业

坚持内需主导，着力解决产能过剩问题，严格控制新增钢铁生产能力，加速淘汰落后工艺、装备和产品，提高钢铁产品档次和质量。推进钢铁工业发展循环经济，发挥钢铁企业产品制造、能源转换和废物消纳处理功能。鼓励企业跨地区集团化重组，形成若干具有国际竞争力的企业。结合首钢等城市钢铁企业搬迁和淘汰落后生产能力，建设曹妃甸等钢铁基地。积极利用低品位铁矿资源。

控制电解铝总量，适度发展氧化铝，鼓励发展铝深加工和新型合金材料，提高铝工业资源综合利用水平。加大铜铅锌锰矿资源勘查力度，增加后备资源，稳定矿山生产。控制铜铅锌冶炼建设规模，发展深加工产品和新型合金材料。加强稀土和钨锡铋资源保护，推动稀土在高新技术产业的应用。

第二节 调整化学工业布局

按照基地化、大型化、一体化方向，调整石化工业布局。在油品消费集中区域以扩建为主适度扩大炼油生产能力，在无炼油工业的油品消费集中区域合理布局新项目，在生产能力相对过剩区域控制炼油规模。关停并转小型低效炼油装置。合理布局大型乙烯项目，形成若干炼化一体化基地，防止一哄而上。

调整化肥、农药、农膜工业布局和结构。在能源产地和粮棉主产区建设百万吨级尿素基地，建设云南、贵州、湖北磷复肥基地和青海、新疆钾肥基地。控制农药总量，提高农药质量，发展高效、低毒、低残留农药。发展和推广可降解农膜。

优化发展基础化工原料，积极发展精细化工，淘汰高污染化工企业。

提高药品自主开发能力，巩固传统化学原料药，开发特色原料药。加强中药资源普查、保护、开发和可持续利用，建设中药资源基地，大力发展中药产业。

第三节 促进建材建筑业健康发展

以节约能源资源、保护生态环境和提高产品质量档次为重点，促进建材工业结构调整和产业升级。在有条件的地区发展日产 5000 吨及以上的新型干法水泥，逐步淘汰立窑等落后生产能力。提高玻璃等建筑材料质量及加工深度。大力发展节能环保的新型建筑材料、保温材料以及绿色装饰装修材料。

推进建筑业技术进步，完善工程建设标准体系和质量安全监管机制，发展建筑标准件，推进施工机械化，提高建筑质量。

第十四章 提升轻纺工业水平

着力打造自主品牌，提高质量，增加品种，满足多样化需求，扩大高端市场份额，巩固和提高轻纺工业竞争力。

第一节 鼓励轻工业提高制造水平

运用信息、生物、环保等新技术改造轻工业。调整造纸工业原料结构，降低水资源消耗和污染物排放，淘汰落后草浆生产线，在有条件的地区实施林纸一体化工程。大力发展食品工业，提高精深加工水平，保障食品安全。鼓励家用电器、塑料制品和皮革及其他轻工行业开发新产品，提高技术含量和质量。

第二节 鼓励纺织工业增加附加值

提高纺织工业技术含量和自主品牌比重。发展高技术、高性能、差别化、绿色环保纤维和再生纤维，扩大产业用纺织品、丝绸和非棉天然纤维开发利用。推进纺织工业梯度转移。

第十五章 积极推进信息化

坚持以信息化带动工业化，以工业化促进信息化，提高经济社会信息化水平。

第一节 加快制造业信息化

以信息化改造制造业，推进生产设备数字化、生产过程智能化和企业管理信息化，促进制造业研发设计、生产制造、物流库存和市场营销变革。提高机电装备信息化水平，实现精准、高效生产。推广集散控制、现场总线控制、敏捷制造等技术，强化生产过程的在线监测、预警和控制。

第二节 深度开发信息资源

加快国家基础信息库建设，促进基础信息共享。优化信息资源结构。加强生产、流通、科技、人口、资源、生态环境等领域的信息采集，加强信息资源深度开发、及时处理、传播共享和有效利用。

第三节 完善信息基础设施

积极推进“三网融合”。建设和完善宽带通信网，加快发展宽带用户接入网，稳步推进新一代移动通信网络建设。建设集有线、地面、卫星传输于一体的数字电视网络。构建下一代互联网，加快商业化应用。制定和完善网络标准，促进互联互通和资源共享。

第四节 强化信息安全保障

积极防御、综合防范，提高信息安全保障能力。强化安全监控、应急响应、密钥管理、网络信任等信息安全基础设施建设。加强基础信息网络和国家重要信息系统的安全防护。推进信息安全产品产业化。发展咨询、测评、灾备等专业化信息安全服务。健全安全等级保护、风险评估和安全准入制度。

第四篇 加快发展服务业

坚持市场化、产业化、社会化方向，拓宽领域、扩大规模、优化结构、增强功能、规范市场，提高服务业的比重和水平。

第十六章 拓展生产性服务业

大力发展主要面向生产者的服务业，细化深化专业化分工，降低社会交易成本，提高资源配置效率。

第一节 优先发展交通运输业

统筹规划、合理布局交通基础设施，做好各种运输方式相互衔接，发挥组合效率和整体优势，建设便捷、通畅、高效、安全的综合运输体系。

加快发展铁路运输。重点建设客运专线、城际轨道交通、煤运通道，初步形成快速客运和煤炭运输网络。扩展西部地区路网，强化中部地区路网，完善东部地区路网。加强集装箱运输系统和主要客货枢纽建设。建设铁路新线 1.7 万公里，其中客运专线 7000 公里。

进一步完善公路网络。重点建设国家高速公路网，基本形成国家高速公路网骨架。继续完善国道、省道干线公路网络，打通省际间通道，发挥路网整体效率。公路总里程达到 230 万公里，其中高速公路 6.5 万公里。

积极发展水路运输。完善沿海沿江港口布局，重点建设集装箱、煤炭、进口油气和铁矿石中转运输系统，扩大港口吞吐能力。改善出海口航道，提高内河通航条件，建设长江黄金水道和长江三角洲、珠江三角洲高等级航道网。推进江海联运。

优化民用机场布局。扩充大型机场，完善中型机场，增加小型机场，提高中西部地区和东北地区机场密度。完善航线网络。建设现代化空中交通管理系统。

专栏7 交通基础设施重点工程

铁路➤ 建设北京至上海、北京至广州至深圳、哈尔滨至大连、郑州至西安、上海至宁波至深圳、南京至武汉至成都等客运专线，北京至天津、上海至南京、上海至杭州、南京至杭州、广州至珠海等城际轨道交通，向塘至湄州湾、兰州至重庆、太原至中卫（银川）铁路和青藏铁路延伸线，大同至秦皇岛、朔州至黄骅铁路扩能改造。

公路➤ 建设北京至上海、北京至福州、北京至香港（澳门）、北京至昆明、北京至哈尔滨、沈阳至海口、包头至茂名、青岛至银川、南京至洛阳、上海至西安、上海至重庆、上海至昆明、福州至银川、广州至昆明等高速公路。

港口➤ 建设大连、唐山、天津、青岛、上海、宁波—舟山、福州、厦门、深圳、广州、湛江及防城等沿海港口的煤炭、进口油气、进口铁矿石中转运输系统和集装箱运输系统。适时建设华东、华南地区煤炭中转储存基地。

水运➤ 建设长江口深水航道治理三期工程、珠江口出海航道工程，长江水系、珠江水系和京杭运河航道整治工程，加快重庆、武汉、南京等内河港口建设。

机场➤ 扩建北京、上海、广州、杭州、成都、深圳、西安、乌鲁木齐、郑州、武汉等机场，迁建昆明、合肥等机场，在中西部地区和东北地区新建支线机场。

优化运输资源配置。强化枢纽衔接和集疏运配套，促进运输一体化。开发应用高速重载、大型专业化运载、新一代航行系统等高新技术，推广集装箱多式联运和快递服务。应用信息技术提升运输管理水平，推广智能交通运输体系。发展货运代理、客货营销等运输中介服务。建设上海、天津、大连等国际航运中心。

第二节 大力发展现代物流业

推广现代物流管理技术，促进企业内部物流社会化，实现企业物资采购、生产组织、产品销售和再生资源回收的系列化运作。培育专业化物流企业，积极发展第三方物流。建立物流标准化体系，加强物流新技术开发利用，推进物流信息化。加强物流基础设施整合，建设大型物流枢纽，发展区域性物流中心。

第三节 有序发展金融服务业

健全金融体系，完善服务功能，创新服务品种，提高服务质量。规范发展多种所有制形式的中小银行以及证券公司、财务公司、融资租赁公司、基金管理公司等非银行金融机构。鼓励金融创新，稳步发展综合类金融服务，支持发展网上金融服务。积极发展面向中小企业的融资和小额信贷。完善支付结算体系，提高支付清算效率。健全金融市场的登记、托管、交易、清算系统。发展境外金融服务和外汇风险管理、综合理财等，为企业跨境经营提供便利服务和外汇避险工具。

拓宽保险服务领域，发展养老、医疗保险，发挥商业保险在健全社会保障体系中的重要作用。发展农业保险、责任保险，建立国家支持的农业和巨灾再保险体系。拓宽保险资金运用渠道。发展网上保险等新的服务方式。

第四节 积极发展信息服务业

改善邮政和电信基础业务，发展增值业务，开发新兴业务，促进普遍服务。调整电信业务结构，发展互联网产业。

积极发展电子商务。建立健全电子商务基础设施、法律环境、信用和安全认证体系，建设安全、便捷的在线支付服务平台。发展企业间电子商务，推广面向中小企业、重点行业和区域的第三方电子商务交易与服务。

推进电子政务。整合网络资源，建设统一的电子政务网络，构建政务信息网络平台、数据交换中心、数字认证中心，推动部门间信息共享和业务协同。开发基础数据资源和办公资源，完善重点业务系统。健全政府与企业、公众互动的门户网站体系，依法开放政务信息，促进办事程序规范。培育公益性信息服务机构，开发利用公益性信息资源。

加强测绘基础设施建设，丰富和开发利用基础地理信息资源，发展地理信息产业。鼓励教育、文化、出版、广播影视等领域的数字内容产业发展，丰富中文数字内容资源，发展动漫产业。

第五节 规范发展商务服务业

拓展和规范律师、公证、法律援助、司法鉴定、经济仲裁等法律服务。发展项目策划、财务顾问、并购重组、上市等投资与资产管理服务。规范发展会计、审计、税务、资产评估、校准、检测、验货等经济鉴证类服务。支持发展市场调查、工程咨询、管理咨询、资信服务等咨询服务。鼓励发展专业化的工业设计。推动广告业发展。合理规划展馆布局，发展会展业。

第十七章 丰富消费性服务业

适应居民消费结构升级趋势，继续发展主要面向消费者的服务业，扩大短缺服务产品供给，满足多样化的服务需求。

第一节 提升商贸服务业

鼓励发展所有制形式和经营业态多样化、诚信便民的零售、餐饮等商贸服务。积极发展连锁经营、特许经营、物流配送等现代流通方式和组织形式。按照优化城市功能、疏解交通的要求，合理调整城市商业网点结构和布局。

第二节 发展房地产业

调整住房供应结构，重点发展普通商品住房和经济适用住房，严格控制大型高档商品房。按照保障供给、稳定房价的原则，加强对房地产一、二级市场和租赁市场的调控，促进住房梯次消费。完善房地产开发融资方式，加强资本金管理，规范发展住房消费信贷和保险。规范物业管理行为，提高市场化程度。

第三节 大力发展旅游业

全面发展国内旅游，积极发展入境旅游，规范发展出境旅游。合理开发和保护旅游资源，改善基础设施，推进重点旅游区、旅游线路建设，规范旅游市场秩序。继续发展观光旅游，开发休闲度假以及科普、农业、工业、海洋等专题旅游，完善自助游服务体系。继续推进红色旅游。加快旅游企业整合重组。鼓励开发特色旅游商品。

第四节 加强市政公用事业

优先发展公共交通，完善城市路网结构和公共交通场站，有条件的大城市和城市群地区要把轨道交通作为优先领域，超前规划，适时建设。积极发展出租车业。加强城市供排水、中水管网改造和建设，增强安全供水能力，扩大再生水使用范围。合理规划建设和改造城市集中供热、燃气设施。

第五节 加快发展社区服务业

围绕便民服务，重点发展社区卫生、家政服务、社区保安、养老托幼、食品配送、修理服务和废旧物品回收等。理顺社区管理体制，推进社区服务规范化和网络化建设。

第六节 发展体育事业和体育产业

加强城乡基层和各类学校体育设施建设,开展全民健身活动,提高全民特别是青少年的身体素质。保护发展民族民间体育。深化体育改革,鼓励社会力量兴办体育事业和投资体育产业。规范发展体育健身、竞赛表演、体育彩票、体育用品,以及多种形式的体育组织和经营实体。提高竞技运动水平,办好北京奥运会和广州亚运会。

第十八章 促进服务业发展的政策

打破垄断,放宽准入领域,建立公开、平等、规范的行业准入制度。鼓励社会资金投入服务业,提高非公有制经济比重。公共服务以外的领域,要按照营利性与非营利性分开的原则加快产业化改组。营利性事业单位要改制为企业,并尽快建立现代企业制度。继续推进政府机关和事业单位后勤服务社会化改革。采取积极的财税、土地、价格等政策,支持服务业关键领域、薄弱环节、新兴产业和新型业态的发展。健全服务业标准体系,推进服务业标准化。大城市要把发展服务业放在优先位置,有条件的要逐步形成服务经济为主的产业结构。

第五篇 促进区域协调发展

根据资源环境承载能力、发展基础和潜力,按照发挥比较优势、加强薄弱环节、享受均等化基本公共服务的要求,逐步形成主体功能定位清晰,东中西良性互动,公共服务和人民生活水平差距趋向缩小的区域协调发展格局。

第十九章 实施区域发展总体战略

坚持实施推进西部大开发,振兴东北地区等老工业基地,促进中部地区崛起,鼓励东部地区率先发展的区域发展总体战略,健全区域协调互动机制,形成合理的区域发展格局。

第一节 推进西部大开发

西部地区要加快改革开放步伐,通过国家支持、自身努力和区域合作,增强自我发展能力。坚持以线串点,以点带面,依托中心城市和交通干线,实行重点开发。加强基础设施建设,建设出境、跨区铁路和西煤东运新通道,建成“五纵七横”西部路段和八条省际公路,建设电源基地和西电东送工程。巩固和发展退耕还林成果,继续推进退牧还草、天然林保护等生态工程,加强植被保护,加大荒漠化和石漠化治理力度,加强重点区域水污染防治。加强青藏高原生态安全屏障保护和建设。支持资源优势转化为产业优势,大力发展特色产业,加强清洁能源、优势矿产资源开发及加工,支持发展先进制造业、高技术产业及其他有优势的产业。加强和改善公共服务,优先发展义务教育和职业教育,改善农村医疗卫生条件,推进人才开发和科技创新。建设和完善边境口岸设施,加强与毗邻国家的经济技术合作,发展边境贸易。落实和深化西部大开发政策,加大政策扶持和财政转移支付力度,推动建立长期稳定的西部开发资金渠道。

第二节 振兴东北地区等老工业基地

东北地区要加快产业结构调整 and 国有企业改革改组改造,在改革开放中实现振兴。发展现代农业,强化粮食基地建设,推进农业规模化、标准化、机械化和产业化经营,提高商品率和附加值。建设先进装备、精品钢材、石化、汽车、船舶和农副产品深加工基地,发展高技术产业。建立资源开发补偿机制和衰退产业援助机制,抓好阜新、大庆、伊春和辽源等资源枯竭型城市经济转型试点,搞好棚户区改造和采煤沉陷区治理。加强东北东部铁路通道和跨省区公路运输通道等

基础设施建设，加快市场体系建设，促进区域经济一体化。扩大与毗邻国家的经济技术合作。加强黑土地水土流失和东北西部荒漠化综合治理。支持其他地区老工业基地的振兴。

第三节 促进中部地区崛起

中部地区要依托现有基础，提升产业层次，推进工业化和城镇化，在发挥承东启西和产业发展优势中崛起。加强现代农业特别是粮食主产区建设，加大农业基础设施建设投入，增强粮食等大宗农产品生产能力，促进农产品加工转化增值。支持山西、河南、安徽加强大型煤炭基地建设，发展坑口电站和煤电联营。加快钢铁、化工、有色、建材等优势产业的结构调整，形成精品原材料基地。支持发展矿山机械、汽车、农业机械、机车车辆、输变电设备等装备制造业以及软件、光电子、新材料、生物工程等高技术产业。构建综合交通运输体系，重点建设干线铁路和公路、内河港口、区域性机场。加强物流中心等基础设施建设，完善市场体系。

第四节 鼓励东部地区率先发展

东部地区要率先提高自主创新能力，率先实现经济结构优化升级和增长方式转变，率先完善社会主义市场经济体制，在率先发展和改革中带动帮助中西部地区发展。加快形成一批自主知识产权、核心技术和知名品牌，提高产业素质和竞争力。优先发展先进制造业、高技术产业和服务业，着力发展精加工和高端产品。促进加工贸易升级，积极承接高技术产业和现代服务业转移，提高外向型经济水平，增强国际竞争力。加强耕地保护，发展现代农业。提高资源特别是土地、能源利用效率，加强生态环境保护，增强可持续发展能力。继续发挥经济特区、上海浦东新区的作用，推进天津滨海新区开发开放，支持海峡西岸和其他台商投资相对集中地区的经济发展，带动区域经济发展。

第五节 支持革命老区、民族地区和边疆地区发展

加大财政转移支付力度和财政性投资力度，支持革命老区、民族地区和边疆地区加快发展。保护自然生态，改善基础设施条件。发展学前教育，加快普及义务教育，办好中心城市的民族初中班和高中班，加强民族大学建设和民族地区高等教育。建设少数民族民间传统文化社区，扶持少数民族出版事业，建立双语教学示范区。加强少数民族人才队伍建设，稳定民族地区人才队伍。支持发展民族特色产业、民族特需商品、民族医药产业和其他有优势的产业。优先解决特困少数民族贫困问题，扶持人口较少民族的经济社会发展，推进兴边富民行动。继续实行支持西藏、新疆及新疆生产建设兵团发展的政策。

第六节 健全区域协调互动机制

健全市场机制，打破行政区划的局限，促进生产要素在区域间自由流动，引导产业转移。健全合作机制，鼓励和支持各地区开展多种形式的区域经济协作和技术、人才合作，形成以东带西、东中西共同发展的格局。健全互助机制，发达地区要采取对口支援、社会捐助等方式帮扶欠发达地区。健全扶持机制，按照公共服务均等化原则，加大国家对欠发达地区的支持力度。国家继续在经济政策、资金投入和产业发展等方面，加大对中西部地区的支持。

第二十章 推进形成主体功能区

根据资源环境承载能力、现有开发密度和发展潜力，统筹考虑未来我国人口分布、经济布局、国土利用和城镇化格局，将国土空间划分为优化开发、重点开发、限制开发和禁止开发四类主体功能区，按照主体功能定位调整完善区域政策和绩效评价，规范空间开发秩序，形成合理的空间开发结构。

第一节 优化开发区域的发展方向

优化开发区域是指国土开发密度已经较高、资源环境承载能力开始减弱的区域。要改变依靠大量占用土地、大量消耗资源和大量排放污染实现经济较快增长的模式，把提高增长质量和效益放在首位，提升参与全球分工与竞争的层次，继续成为带动全国经济社会发展的龙头和我国参与经济全球化的主体区域。

第二节 重点开发区域的发展方向

重点开发区域是指资源环境承载能力较强、经济和人口集聚条件较好的区域。要充实基础设施，改善投资创业环境，促进产业集群发展，壮大经济规模，加快工业化和城镇化，承接优化开发区域的产业转移，承接限制开发区域和禁止开发区域的人口转移，逐步成为支撑全国经济发展和人口集聚的重要载体。

第三节 限制开发区域的发展方向

限制开发区域是指资源环境承载能力较弱、大规模集聚经济和人口条件不够好并关系到全国或较大区域范围生态安全的区域。要坚持保护优先、适度开发、点状发展，因地制宜发展资源环境可承载的特色产业，加强生态修复和环境保护，引导超载人口逐步有序转移，逐步成为全国或区域性的重要生态功能区。

专栏8 部分限制开发区域功能定位及发展方向

大小兴安岭森林生态功能区▶ 禁止非保护性采伐,植树造林,涵养水源,保护野生动物。

长白山森林生态功能区▶ 禁止林木采伐,植树造林,涵养水源,防止水土流失。

川滇森林生态及生物多样性功能区▶ 在已明确的保护区域保护生物多样性和多种珍稀动物基因库。

秦巴生物多样性功能区▶ 适度开发水能,减少林木采伐,保护野生物种。

藏东南高原边缘森林生态功能区▶ 保护自然生态系统。

新疆阿尔泰山地森林生态功能区▶ 禁止非保护性采伐,合理更新林地。

青海三江源草原草甸湿地生态功能区▶ 封育草地,减少载畜量,扩大湿地,涵养水源,防治草原退化,实行生态移民。

新疆塔里木河荒漠生态功能区▶ 合理利用地表水和地下水,调整农牧业结构,加强药材开发管理。

新疆阿尔金草原荒漠生态功能区▶ 控制放牧和旅游区域范围,防范盗猎,减少人类活动干扰。

藏西北羌塘高原荒漠生态功能区▶ 保护荒漠生态系统,防范盗猎,保护野生动物。

东北三江平原湿地生态功能区▶ 扩大保护范围,降低农业开发和城市建设强度,改善湿地环境。

苏北沿海湿地生态功能区▶ 停止围垦,扩大湿地保护范围,保护鸟类南北迁徙通道。

四川若尔盖高原湿地生态功能区▶ 停止开垦,减少过度开发,保持湿地面积,保护珍稀动物。

甘南黄河重要水源补给生态功能区▶ 加强天然林、湿地和高原野生动植物保护,实行退耕还林还草,牧民定居和生态移民。

川滇干热河谷生态功能区▶ 退耕还林、还灌、还草,综合整治,防止水土流失,降低人口密度。

内蒙古呼伦贝尔草原沙漠化防治区▶ 禁止过度开垦、不适当樵采和超载放牧,退牧还草,防治草场退化沙化。

内蒙古科尔沁沙漠化防治区▶ 根据沙化程度采取针对性强的治理措施。

内蒙古浑善达克沙漠化防治区▶ 采取植物和工程措施,加强综合治理。

毛乌素沙漠化防治区▶ 恢复天然植被,防止沙丘活化和沙漠面积扩大。

黄土高原丘陵沟壑水土流失防治区▶ 控制开发强度,以小流域为单元综合治理水土流失,建设淤地坝。

大别山土壤侵蚀防治区▶ 实行生态移民,降低人口密度,恢复植被。

桂黔滇等喀斯特石漠化防治区▶ 封山育林育草,种草养畜,实行生态移民,改变耕作方式,发展生态产业和优势非农产业。

第四节 禁止开发区域的发展方向

禁止开发区域是指依法设立各类自然保护区域。要依据法律法规规定和相关规划实行强制性保护，控制人为因素对自然生态的干扰，严禁不符合主体功能定位的开发活动。

专栏 9 禁止开发区域

国家级自然保护区➤共 243 个，面积 8944 万公顷。

世界文化自然遗产➤共 31 处。

国家重点风景名胜区➤共 187 个，面积 927 万公顷。

国家森林公园➤共 565 个，面积 1100 万公顷。

国家地质公园➤共 138 个，面积 48 万公顷。

第五节 实行分类管理的区域政策

财政政策，要增加对限制开发区域、禁止开发区域用于公共服务和生态环境补偿的财政转移支付，逐步使当地居民享有均等化的基本公共服务。投资政策，要重点支持限制开发区域、禁止开发区域公共服务设施建设和生态环境保护，支持重点开发区域基础设施建设。产业政策，要引导优化开发区域转移占地多、消耗高的加工业和劳动密集型产业，提升产业结构层次；引导重点开发区域加强产业配套能力建设；引导限制开发区域发展特色产业，限制不符合主体功能定位的产业扩张。土地政策，要对优化开发区域实行更严格的建设用地增量控制，在保证基本农田不减少的前提下适当扩大重点开发区域建设用地供给，对限制开发区域和禁止开发区域实行严格的土地用途管制，严禁生态用地改变用途。人口管理政策，要鼓励在优化开发区域、重点开发区域有稳定就业和住所的外来人口定居落户，引导限制开发区域和禁止开发区域的人口逐步自愿平稳有序转移。绩效评

价和政绩考核，对优化开发区域，要强化经济结构、资源消耗、自主创新等的评价，弱化经济增长的评价；对重点开发区域，要综合评价经济增长、质量效益、工业化和城镇化水平等；对限制开发区域，要突出生态环境保护等的评价，弱化经济增长、工业化和城镇化水平的评价；对禁止开发区域，主要评价生态环境保护。

第二十一章 促进城镇化健康发展

坚持大中小城市和小城镇协调发展，提高城镇综合承载能力，按照循序渐进、节约土地、集约发展、合理布局的原则，积极稳妥地推进城镇化，逐步改变城乡二元结构。

第一节 分类引导人口城镇化

对临时进城务工人员，继续实行亦工亦农、城乡双向流动的政策，在劳动报酬、劳动时间、法定假日和安全保护等方面依法保障其合法权益；对在城市已有稳定职业和住所的进城务工人员，要创造条件使之逐步转为城市居民，依法享有当地居民应有的权利，承担应尽的义务；对因城市建设承包地被征用、完全失去土地的农村人口，要转为城市居民，城市政府要负责提供就业援助、技能培训、失业保险和最低生活保障等。鼓励农村人口进入中小城市和小城镇定居，特大城市要从调整产业结构的源头入手，形成用经济办法等控制人口过快增长的机制。

第二节 形成合理的城镇化空间格局

要把城市群作为推进城镇化的主体形态，逐步形成以沿海及京广京哈线为纵轴，长江及陇海线为横轴，若干城市群为主体，其他城市和小城镇点状分布，永久耕地和生态功能区相间隔，高效协调可持续的城镇化空间格局。

已形成城市群发展格局的京津冀、长江三角洲和珠江三角洲等区域，要继续发挥带动和辐射作用，加强城市群内各城市的分工协作和优势互补，增强城市群的整体竞争力。

具备城市群发展条件的区域，要加强统筹规划，以特大城市和大城市为龙头，发挥中心城市作用，形成若干用地少、就业多、要素集聚能力强、人口分布合理的新城市群。

人口分散、资源条件较差、不具备城市群发展条件的区域，要重点发展现有城市、县城及有条件的建制镇，成为本地区集聚经济、人口和提供公共服务的中心。

第三节 加强城市规划建设管理

规划城市规模与布局，要符合当地水土资源、环境容量、地质构造等自然承载力，并与当地经济发展、就业空间、基础设施和公共服务供给能力相适应。

加强城市水源地保护和供水设施建设。缺水城市要适度控制城市规模，禁止发展高耗水产业和建设高耗水景观。地下水超采城市要控制地下水开采，防止地面沉降。城市道路以及供排水、能源、环保、电信、有线电视等的建设，要破除部门和地方分割，在统一规划基础上协同建设，减少盲目填挖和拆建。加强城市综合防灾减灾和应急管理能力建设。稳步推进城市危旧住房和“城中村”改造，保障拆迁户合法权益。城市规划和建筑设计要延续历史，传承文化，突出特色，保护民族、文化遗产和风景名胜资源。强化城市规划实施的监管，推进城市综合管理，提高城市管理水平。

第四节 健全城镇化发展的体制机制

加快破除城乡分割的体制障碍，建立健全与城镇化健康发展相适应的财税、征地、行政管理和公共服务等制度。完善行政区划设置和管理模式。改革城乡分割的就业管理制度，深化户籍制度改革，逐步建立城乡统一的人口登记制度。

第六篇 建设资源节约型、环境友好型社会

落实节约资源和保护环境基本国策，建设低投入、高产出，低消耗、少排放，能循环、可持续的国民经济体系和资源节约型、环境友好型社会。

第二十二章 发展循环经济

坚持开发节约并重、节约优先，按照减量化、再利用、资源化的原则，在资源开采、生产消耗、废物产生、消费等环节，逐步建立全社会的资源循环利用体系。

第一节 节约能源

强化能源节约和高效利用的政策导向，加大节能力度。通过优化产业结构特别是降低高耗能产业比重，实现结构节能；通过开发推广节能技术，实现技术节能；通过加强能源生产、运输、消费各环节的制度建设和监管，实现管理节能。突出抓好钢铁、有色、煤炭、电力、化工、建材等行业和耗能大户的节能工作。加大汽车燃油经济性标准实施力度，加快淘汰老旧运输设备。制定替代液体燃料标准，积极发展石油替代产品。鼓励生产使用高效节能产品。

专栏 10 节能重点工程

低效燃煤工业锅炉(窑炉)改造➤采用循环流化床、粉煤燃烧等技术改造或替代现有中小燃煤锅炉(窑炉)。

区域热电联产➤发展采用热电联产和热电冷联产,将分散式供热小锅炉改造为集中供热。

余热余压利用➤在钢铁、建材等行业开展余热余压利用。

节约和替代石油➤在电力、交通运输等行业实施节油措施,发展煤炭液化、醇醚类燃料等石油替代产品。

电机系统节能➤在煤炭等行业进行电动机拖动风机、水泵系统优化改造。

能量系统优化➤在石化、钢铁等行业实施系统能量优化,使企业综合能耗达到或接近世界先进水平。

建筑节能➤严格执行建筑节能设计标准,推动既有建筑节能改造,推广新型墙体材料和节能产品等。

绿色照明➤在公用设施、宾馆、商厦、写字楼以及住宅中推广高效节电照明系统等。

政府机构节能➤政府机构建筑按照建筑节能标准进行改造,在政府机构推广使用节能产品等。

节能监测和技术服务体系建设➤更新监测设备,加强人员培训等。

第二节 节约用水

发展农业节水,推进雨水集蓄,建设节水灌溉饲草基地,提高水的利用效率,基本实现灌溉用水总量零增长。重点推进火电、冶金等高耗水行业节水技术改造。抓好城市节水工作,强制推广使用节水设备和器具,扩大再生水利用。加强公共建筑和住宅节水设施建设。积极开展海水淡化、海水直接利用和矿井水利用。

第三节 节约土地

落实保护耕地基本国策。管住总量、严控增量、盘活存量,控制农用地转为建设用地的规模。建立健全用地定额标准,推行多层标准厂房。开展农村土地整

理，调整居民点布局，控制农村居民点占地，推进废弃土地复垦。控制城市大广场建设，发展节能省地型公共建筑和住宅。到 2010 年实现所有城市禁用实心粘土砖。

第四节 节约材料

推行产品生态设计，推广节约材料的技术工艺，鼓励采用小型、轻型和再生材料。提高建筑物质量，延长使用寿命，提倡简约实用的建筑装修。推进木材、金属材料、水泥等的节约代用。禁止过度包装。规范并减少一次性用品生产和使用。

第五节 加强资源综合利用

抓好煤炭、黑色和有色金属共伴生矿产资源综合利用。推进粉煤灰、煤矸石、冶金和化工废渣及尾矿等工业废物利用。推进秸秆、农膜、禽畜粪便等循环利用。建立生产者责任延伸制度，推进废纸、废旧金属、废旧轮胎和废弃电子产品等回收利用。加强生活垃圾和污泥资源化利用。

推动钢铁、有色、煤炭、电力、化工、建材、制糖等行业实施循环经济改造，形成一批循环经济示范企业。在重点行业、领域、产业园区和城市开展循环经济试点。发展黄河三角洲、三峡库区等高效生态经济。

专栏 11 循环经济示范试点工程

重点行业➤ 建设济钢、宝钢、鞍本钢、攀钢、中铝、金川公司、江西铜业、鲁北化工等一批循环经济示范企业。

产业园区➤ 建设资源循环利用产业链及园区集中供热和废物处理中心，建设河北曹妃甸、青海柴达木等若干循环经济产业示范区。

再生资源回收利用➤ 建设湖南汨罗等再生资源回收利用市场和加工示范基地。

再生金属利用➤ 建设若干 30 万吨以上的再生铜、再生铝、再生铅示范企业。

废旧家电回收处理➤ 建设若干废旧家电回收利用示范基地。

再制造➤ 建设若干汽车发动机、变速箱、电机和轮胎翻新等再制造示范企业。

第六节 强化促进节约的政策措施

加快循环经济立法。实行单位能耗目标责任和考核制度。完善重点行业能耗和水耗准入标准、主要用能产品和建筑物能效标准、重点行业节能设计规范和取水定额标准。严格执行设计、施工、生产等技术标准和材料消耗核算制度。实行强制淘汰高耗能高耗水落后工艺、技术和设备的制度。推行强制性能效标识制度和节能产品认证制度。加强电力需求侧管理、政府节能采购、合同能源管理。实行有利于资源节约、综合利用和石油替代产品开发的财税、价格、投资政策。增强全社会的资源忧患意识和节约意识。

第二十三章 保护修复自然生态

生态保护和建设的重点要从事后治理向事前保护转变，从人工建设为主向自然恢复为主转变，从源头上扭转生态恶化趋势。

专栏 12 生态保护重点工程

天然林资源保护➤对工程区内 9418 万公顷天然林和其他森林实行全面有效管护，在长江上游、黄河上中游工程区造林 579 万公顷。

退耕还林还草➤在长江、黄河流域水土流失以及北方风沙地区等继续实施退耕还林还草。

退牧还草➤在内蒙古东部、内蒙古甘肃宁夏西部、青藏高原东部、新疆北部四大片区治理严重退化草地。

京津风沙源治理➤退耕还林 34 万公顷，在宜林荒山荒沙地区造林 29 万公顷，人工造林 127 万公顷，飞播造林 145 万公顷，封沙育林育草 95 万公顷，草地治理 291 万公顷。

防护林体系➤建设“三北”防护林体系四期工程，长江、珠江防护林和太行山绿化、平原绿化及沿海防护林体系工程。推进三峡库区绿化带建设。

湿地保护与修复➤建设 222 个湿地保护区，其中国家级湿地保护区 49 个，通过对水资源的合理调配和管理等措施恢复重要湿地。

青海三江源自然保护区生态保护和建设➤退牧还草 644 万公顷，退耕还林还草 0.65 万公顷，封山育林、沙漠化土地防治、湿地保护，黑土滩治理 80 万公顷，鼠害治理 209 万公顷，水土流失治理 5 万公顷。

水土保持工程➤新增水土流失治理面积 1900 万公顷。实施石羊河流域综合治理。

野生动植物保护及自然保护区建设➤建设和完善一批自然保护区，继续实施对极度濒危野生动植物物种的拯救工程。

石漠化地区综合治理➤通过植被保护、退耕还林、封山育林育草、种草养畜、合理开发利用水资源、土地整治和水土保持，改变耕作制度，建设农村沼气、易地扶贫等措施，加大石漠化地区治理力度。

在天然林保护区、重要水源涵养区等限制开发区域建立重要生态功能区，促进自然生态恢复。健全法制、落实主体、分清责任，加强对自然保护区的监管。有效保护生物多样性，防止外来有害物种对我国生态系统的侵害。按照谁开发谁保护、谁受益谁补偿的原则，建立生态补偿机制。

第二十四章 加大环境保护力度

坚持预防为主、综合治理，强化从源头防治污染，坚决改变先污染后治理、边治理边污染的状况。以解决影响经济社会发展特别是严重危害人民健康的突出问题为重点，有效控制污染物排放，尽快改善重点流域、重点区域和重点城市的环境质量。

第一节 加强水污染防治

加大“三河三湖”等重点流域和区域水污染防治力度。科学划定饮用水源保护区，强化对主要河流和湖泊排污的管制，坚决取缔饮用水源地的直接排污口，严禁向江河湖海排放超标污水。加强城市污水处理设施建设，全面开征污水处理费，到 2010 年城市污水处理率不低于 70%。

第二节 加强大气污染防治

加大重点城市大气污染防治力度。加快现有燃煤电厂脱硫设施建设，新建燃煤电厂必须根据排放标准安装脱硫装置，推进钢铁、有色、化工、建材等行业二氧化硫综合治理。在大中城市及其近郊，严格控制新（扩）建除热电联产外的燃煤电厂，禁止新（扩）建钢铁、冶炼等高耗能企业。加大城市烟尘、粉尘、细颗粒物 and 汽车尾气治理力度。

第三节 加强固体废物污染防治

加快危险废物处理设施建设，妥善处置危险废物和医疗废物。强化对危险化学品的监管，加强重金属污染治理，推进堆存铬渣无害化处置。加强核设施和放射源安全监管，确保核与辐射环境安全。加强城市垃圾处理设施建设，加大城市垃圾处理费征收力度，到 2010 年城市生活垃圾无害化处理率不低于 60%。

专栏 13 环境治理重点工程

重点流域水污染治理➤“三河三湖”、三峡库区、长江上游、黄河中上游、松花江、南水北调水源及沿线的水污染治理工程。

燃煤电厂烟气脱硫➤增加现有燃煤电厂脱硫能力，使 90% 的现有电厂达标排放。

医疗废物及危险废物处置➤建设医疗废物及危险废物集中处置设施，基本实现医疗废物及危险废物的安全处置。

核与辐射安全工程➤加快中低放射性废物处置场建设，解决高放射性废物永久处置问题。

铬渣污染治理➤对堆存铬渣及受污染土壤进行综合治理，实现所有堆存铬渣无害化处置。

第四节 实行强有力的环保措施

各地区要切实承担对所辖地区环境质量的责任，实行严格的环保绩效考核、环境执法责任制和责任追究制。各级政府要将环保投入作为本级财政支出的重点并逐年增加。健全环境监管体制，提高监管能力，加大环保执法力度。实施排放总量控制、排放许可和环境影响评价制度。实行清洁生产审核、环境标识和环境认证制度，严格执行强制淘汰和限期治理制度，建立跨省界河流断面水质考核制度。实行环境质量公告和企业环保信息公开制度，鼓励社会公众参与并监督环保。大力发展环保产业，建立社会化多元化环保投融资机制，运用经济手段加快污染治理市场化进程。积极参与全球环境与发展事务，认真履行环境国际公约。

第二十五章 强化资源管理

实行有限开发、有序开发、有偿开发，加强对各种自然资源的保护和管理。

第一节 加强水资源管理

顺应自然规律，调整治水思路，从单纯的洪水控制向洪水管理、雨洪资源科学利用转变，从注重水资源开发利用向水资源节约、保护和优化配置转变。加强水资源统一管理，统筹生活、生产、生态用水，做好上下游、地表地下水调配，控制地下水开采。完善取水许可和水资源有偿使用制度，实行用水总量控制与定额管理相结合的制度，健全流域管理与区域管理相结合的水资源管理体制，建立国家初始水权分配制度和水权转让制度。完成南水北调东线和中线一期工程，合理规划建设其他水资源调配工程。

第二节 加强土地资源管理

实行最严格的土地管理制度。严格执行法定权限审批土地和占用耕地补偿制度，禁止非法压低地价招商。严格土地利用总体规划、城市总体规划、村庄和集镇规划修编的管理。加强土地利用计划管理、用途管制和项目用地预审管理。加强村镇建设用地管理，改革和完善宅基地审批制度。完善耕地保护责任考核体系，实行土地管理责任追究制。加强土地产权登记和土地资产管理。

第三节 加强矿产资源管理

加强矿产资源勘查开发统一规划管理，严格矿产资源开发准入条件，强化资格认证和许可管理，严格按照法律法规和规划开发。完善矿产资源开发管理体制，依法设置探矿权、采矿权，建立矿业权交易制度，健全矿产资源有偿占用制度和矿山环境恢复补偿机制。完善重要资源储备制度，加强国家重要矿产品储备，调整储备结构和布局。实行国家储备与用户储备相结合，对资源消耗大户实行强制性储备。

第二十六章 合理利用海洋和气候资源

第一节 保护和开发海洋资源

强化海洋意识，维护海洋权益，保护海洋生态，开发海洋资源，实施海洋综合管理，促进海洋经济发展。综合治理重点海域环境，遏制渤海、长江口和珠江口等近岸海域生态恶化趋势。恢复近海海洋生态功能，保护红树林、海滨湿地和珊瑚礁等海洋、海岸带生态系统，加强海岛保护和海洋自然保护区管理。完善海洋功能区划，规范海域使用秩序，严格限制开采海砂。有重点地勘探开发专属经济区、大陆架和国际海底资源。

第二节 开发利用气候资源

加强空中水资源、太阳能、风能等的合理开发利用。发展气象事业，加强气象卫星应用、天气雷达等综合监测，建立先进的气象服务业务系统。增强灾害性天气预警预报能力，提高预报准确率和时效性。增强气象为农业等行业服务的能力。加强人工影响天气、大气成分和气候变化监测、预测、评估工作。

第七篇 实施科教兴国战略和人才强国战略

把科技进步和创新作为经济社会发展的重要推动力，把发展教育和培养德才兼备的高素质人才摆在更加突出的战略位置，深化体制改革，加大投入，加快科技教育发展，努力建设创新型国家和人力资本强国。

第二十七章 加快科学技术创新和跨越

实施国家中长期科学和技术发展规划，按照自主创新、重点跨越、支撑发展、引领未来的方针，加快建设国家创新体系，不断增强企业创新能力，加强科技与经济、教育的紧密结合，全面提高科技整体实力和产业技术水平。

第一节 大力推进自主创新

加强基础研究、前沿技术研究和社会公益性技术研究，在信息、生命、空间、海洋、纳米及新材料等领域超前部署，集中优势力量，加大投入力度，力争取得重要突破。适应国家重大战略需求，启动一批重大科技专项，在能源、资源、环境、农业、信息、健康等领域加强关键技术攻关，实现核心技术集成创新与跨越。实施重大产业技术开发专项，促进引进技术消化吸收再创新。

专栏 14 重大科技专项与重大科技基础设施

核心电子器件、高端通用芯片及基础软件►开发高端电子通用器件和高可信网络化基础软件,信息安全所需芯片和器件等关键技术。

极大规模集成电路制造技术及成套工艺►开发 60 纳米至 45 纳米高速、低功耗芯片和新型硅基集成电路的制造工艺技术,核心集成电路装备技术。

新一代宽带无线移动通信►开发新一代宽带无线移动通信网络、终端与应用技术。

高档数控机床与基础制造技术►开发高档数控机床与基础制造成套技术,研究数字化与智能化控制单元。

大型油气田及煤层气开发►开发特殊地质条件下油气资源工业化开采成套技术。

大型先进压水堆及高温气冷堆核电站►开发百万千瓦级大型先进压水堆核电设计技术和 20 万千瓦级模块式高温气冷堆商业化技术。

水体污染控制与治理►研究典型流域水污染控制,湖泊富营养化防治和水环境生态修复等关键技术。

转基因生物新品种培育►开发功能基因克隆与验证、规模化转基因操作等核心技术,建立和完善优异种质创新、新品种培育和规模化制种三大技术平台。

重大新药创制►研制一批具有自主知识产权和市场竞争力的新药,建立具有国际先进水平的研发平台。

艾滋病和病毒性肝炎等重大传染病防治►构建艾滋病、病毒性肝炎等重大传染病的有效防控技术体系,研制高效特异性诊断试剂、疫苗和药物及检测技术。

大型飞机►开发大型飞机设计与制造成套技术。

高分辨率对地观测系统►开发基于卫星、飞机和平流层飞艇的高分辨率先进观测技术,建立对地观测数据中心及重点应用系统。

载人航天与探月工程►突破航天员出舱活动以及空间飞行器交会对接重大技术,建立具有一定应用规模的短期有人照料,长期在轨自主飞行的空间实验室。开发月球探测关键技术,建立月球探测工程系统。

重大科技基础设施►建设散裂中子源、强磁场装置、大型天文望远镜、海洋科学综合考察船、航空遥感系统、结冰风洞、大陆构造环境监测网络、重大工程材料服役安全研究评价设施、蛋白质科学研究设施、子午工程、地下资源与地震预测极低频电磁探测网、农业生物安全研究设施等。

坚持哲学社会科学与自然科学并重，繁荣和发展哲学社会科学。实施马克思主义理论研究和建设工程，构建哲学社会科学创新体系，积极推动理论创新，进一步发挥对经济社会发展的重要促进作用。促进自然科学与哲学社会科学的结合。

第二节 加强自主创新能力建设

建设科技支撑体系，全面提升科技自主创新能力。建设国家重大科技基础设施，实施知识创新工程，整合研究实验体系，建设若干世界一流水平的科研机构和研究型大学，构筑高水平科学研究和人才培养基地。实施重大科学工程，加强国家重点实验室建设，构建国家科技基础条件平台，促进科技资源共享。建设一批产业技术研发试验设施，提高产业技术创新能力。加强科普能力建设，实施全民科学素质行动计划。

第三节 强化企业技术创新主体地位

加快建立以企业为主体、市场为导向、产学研相结合的技术创新体系，形成自主创新的基本体制架构。加强国家工程实验室、国家工程中心和企业技术中心建设，建立企业自主创新的基础支撑平台。发展技术咨询、技术转让等技术创新中介服务，形成社会化服务体系。实行支持自主创新的财税、金融和政府采购政策，引导企业增加研发投入。发挥各类企业特别是中小企业的创新活力，鼓励技术革新和发明创造。

第四节 加大知识产权保护力度

加强公民知识产权意识，健全知识产权保护体系，建立知识产权预警机制，依法严厉打击侵犯知识产权行为。加强计量基础研究，完善国家标准体系，及时

淘汰落后标准。优先采用具有自主知识产权的技术标准，积极参与制定国际标准。发展专利、商标、版权转让与代理、无形资产评估等知识产权服务。

第五节 深化科技体制改革

整合科技资源，合理配置基础研究、前沿技术研究和社会公益性研究力量，促进科研机构、大学、企业间科研人员的合理流动与合作，构建科技资源共享机制。深化技术开发类院所企业化转制改革和社会公益类科研机构改革，完善现代科研院所制度，形成开放合作的研究开发体系。完善科技管理体制和运行机制，改革科技评审评估和成果评价奖励等制度。建立多元化、多渠道的科技投入体系，保证科技经费的增长幅度明显高于财政经常性收入的增长幅度，逐步提高国家财政性科技投入占国内生产总值的比例。

第二十八章 优先发展教育

全面实施素质教育，着力完成“普及、发展、提高”三大任务，加快教育结构调整，促进教育全面协调发展，建设学习型社会。

第一节 普及和巩固义务教育

重点加强农村义务教育，努力降低义务教育阶段农村学生特别是女性学生、少数民族学生和贫困家庭学生的辍学率，全国初中三年保留率达到 95%。推进城乡、地区间义务教育均衡发展。各地政府要保证进城务工人员子女与当地学生平等接受义务教育。

第二节 大力发展职业教育

重点发展中等职业教育，年招生规模扩大到 800 万人。发展多种形式的职业技能培训。改革职业教育教学方式，更新教学内容，推行工学结合、校企合作的

培养模式，建立弹性学习制度。促进职业教育和普通高中教育协调发展，提高办学水平和质量。

第三节 提高高等教育质量

把高等教育发展的重点放在提高质量和优化结构上，加强研究与实践，培养学生的创新精神和实践能力。稳步提高高等教育大众化水平，稳步发展普通本专科和研究生教育，提高高层次人才培养质量。有重点地加强高水平大学和重点学科建设，推动各类高等院校协调发展。继续发展各类成人教育。

第四节 加大教育投入

保证财政性教育经费的增长幅度明显高于财政经常性收入的增长幅度，逐步使财政性教育经费占国内生产总值的比例达到 4%。强化政府对义务教育的保障责任，加大中央和省级政府对财政困难县义务教育经费的转移支付力度。促进教育公平，公共教育资源要向农村、中西部地区、贫困地区、民族地区以及薄弱学校、贫困家庭学生倾斜。各级政府要增加职业教育投入，重点支持面向农村学生的中等职业学校。支持设立资助贫困家庭学生就学的民间慈善基金组织，鼓励社会各界捐资助教。继续实行助学贷款，健全面向各阶段学生的资助制度，完善贫困家庭学生助学体系。扩大彩票公益金收益用于特殊教育的份额。

第五节 深化教育体制改革

明确各级政府提供公共教育职责，制定和完善学校的设置标准，支持民办教育发展，形成公办教育与民办教育共同发展的办学格局。形成多元化的教育投入体制，义务教育由政府负全责，高中阶段教育以政府投入为主，职业教育和高等教育实行政府投入与社会投入相互补充。规范教育收费，建立严格的教育收费公示制度。形成适应素质教育要求的教学体制，改革招生考试制度，推进教学课程

改革,减轻中小学生过重的课业负担,健全评价制度。形成权责明确的教育管理体制,在学科、专业和课程设置以及招生规模、人才招聘等方面给学校更多自主权,培育并发挥学校的优势和特色。进一步加强教师队伍建设。

专栏 15 教育发展重点工程

西部地区农村寄宿制学校建设➤ 2004~2007 年国家安排资金 100 亿元,重点支持尚未实现“两基”的西部农村地区,新建和改扩建 7700 所农村寄宿制学校。

农村中小学现代远程教育➤ 2003~2007 年中央和地方政府共同安排资金 100 亿元,为中西部地区 3.75 万所农村初中建设计算机教室,为 38.4 万所农村小学配备卫星教学接收设备、为 11 万个小学校教学点配备教学光盘播放设备和成套教学光盘。

中西部农村初中改造➤ 推动未纳入“两基”攻坚计划实施范围的中西部地区农村初中校舍改造,改善办学条件,提高学生巩固率和寄宿率。

职业教育基础能力建设➤ 支持 1000 所县级职教中心、1000 所中等职业学校和 100 所示范性高等职业学院改善办学条件,形成一批职业教育骨干基地。

高等教育“211”和“985”工程➤ 继续加强高水平大学和重点学科建设,形成一批处于学术前沿的新兴和交叉学科,部分学科接近或达到国际先进水平。

第二十九章 推进人才强国战略

坚持党管人才原则,牢固树立科学人才观,壮大人才队伍,提高人才素质,优化人才结构,完善用人机制,发挥人才作用,促进人口大国向人力资本强国转变。

第一节 建设高素质人才队伍

实施党政人才培养工程，完善培训制度，加强理论教育、专业培训和实践锻炼，提高党政人才思想政治素质和执政能力，建设高素质党政领导人才队伍。实施企业家培养工程，培养造就一批富有创新意识和能力、适应经济全球化要求的企业家，推进企业经营管理人才职业化、市场化。实施专业技术人才知识更新工程和战略高技术人才培养工程，重点培养造就一批科技领军人才、学科带头人和战略科学家。实施高技能人才培养工程，建立一批高技能人才培训基地和公共实训基地，建设高技能人才队伍。加强农村实用人才培养。加强中西部地区和东北地区人才资源开发和人才队伍建设。鼓励和引导海外留学人员回国工作、为国服务。积极吸引海外高层次人才。

第二节 创新人才工作机制

推进市场配置人才资源，消除人才市场发展的体制性障碍，规范人才市场管理，营造人才辈出、人尽其才的社会环境。深化干部人事制度改革，完善机关、企业和事业单位干部人事分类管理体制，健全以品德、能力和业绩为重点的人才评价、选拔任用和激励保障机制。建立符合科学发展观要求的干部综合考核评价体系，注重在实践中锻炼培养人才。深化职称制度改革。贯彻实施公务员法，完善公务员制度。各级政府和企事业单位要加大人才资源开发投入，加强人才资源能力建设，形成多元化投入机制。

第八篇 深化体制改革

以转变政府职能和深化企业、财税、金融等改革为重点，加快完善社会主义市场经济体制，形成有利于转变经济增长方式、促进全面协调可持续发展的机制。

第三十章 着力推进行政管理体制改革

按照精简、统一、效能的原则和决策、执行、监督相协调的要求，建立决策科学、权责对等、分工合理、执行顺畅、监督有力的行政管理体制，加快建设服务政府、责任政府、法治政府。

第一节 推进政府职能转变

按照政企分开、政资分开、政事分开以及政府与市场中介组织分开的原则，合理界定政府职责范围，加强各级政府的社会管理和公共服务职能。进一步推进行政审批制度改革，减少和规范行政审批。深化政府机构改革，优化组织结构，减少行政层级，理顺职责分工，提高行政效率，降低行政成本，实现政府职责、机构和编制的科学化、规范化、法定化。合理划分中央与地方及地方各级政府间在经济调节、市场监管、社会管理和公共服务方面的权责。加快推进事业单位分类改革。

第二节 健全政府决策机制

健全科学民主决策机制，完善重大事项集体决策、专家咨询、社会公示和听证以及决策失误责任追究制度。推行政务公开并逐步实现制度化，完善政府新闻发布制度，提高政府工作透明度，保障公民对政府工作的知情权、参与权、表达权和监督权。全面推进依法行政，行政机关及其工作人员要严格按照法定权限和程序履行职责。实行综合执法，加强对行政执法的监督，建立执法责任追究制。推行政府问责制，完善行政赔偿制度。

第三节 深化投资体制改革

落实企业投资自主权，逐步缩小政府对投资项目的核准范围，健全企业投资项目核准制和备案制。合理界定政府投资范围和中央与地方的投资事权，改进和

完善决策规则和程序，提高资金使用效率，建立政府投资项目决策责任追究制。建立和完善投资调控体系。

第三十一章 坚持和完善基本经济制度

坚持公有制为主体、多种所有制经济共同发展的基本经济制度。毫不动摇地巩固和发展公有制经济，毫不动摇地鼓励、支持和引导个体、私营等非公有制经济发展。

第一节 深化国有企业改革

推动国有资本向关系国家安全和国民经济命脉的重要行业和关键领域集中，优化国有经济布局，增强国有经济控制力、影响力和带动力，发挥主导作用。完善国有资本有进有退、合理流动的机制，加快国有大型企业股份制改革，除极少数必须由国家独资经营的企业外，绝大多数国有大型企业改制为多元股东的公司。改善国有企业股本结构，发展混合所有制经济，实现投资主体和产权多元化，建立和完善现代企业制度，形成有效的公司法人治理结构，增强企业活力。发展具有较强竞争力的大公司大企业集团。全心全意依靠职工群众，探索现代企业制度下职工民主管理的有效途径。继续深化集体企业改革，发展多种形式的集体经济。

第二节 健全国有资产监管体制

制定完善经营性国有资产监管体制的法律及配套行政法规，建立健全国有资本经营预算、企业经营业绩考核和企业重大决策失误追究等制度，落实监管责任，实现国有资产保值增值。建立健全国有金融资产、非经营性资产和自然资源资产等监管体制，防止国有资产流失。

第三节 深化垄断行业改革

坚持政企分开、放宽准入、引入竞争、依法监管，推进垄断行业管理体制和产权制度改革。按照形成综合运输体系的要求，推进交通运输业管理体制和产权制度改革。积极稳妥地推进铁路体制改革，加快铁路投融资体制改革。深化电力体制改革，巩固厂网分开，加快主辅分开，稳步推进输配分开和区域电力市场建设。深化石油、电信、民航、邮政、烟草、盐业和市政公用事业改革，推进国有资产重组，形成竞争性市场格局，建立现代企业制度。

第四节 鼓励非公有制经济发展

大力发展个体、私营等非公有制经济。进一步消除制约非公有制经济发展的体制性障碍和政策性因素，进一步落实鼓励、支持和引导非公有制经济发展的政策措施。允许非公有制经济进入法律法规未禁止的行业和领域，鼓励和支持非公有制经济参与国有企业改革，进入金融服务、公用事业、基础设施等领域。完善金融、税收、信用担保、技术创新等方面的政策，改善行政执法和司法环境，加强和改进对非公有制企业的服务和监管。

第三十二章 推进财政税收体制改革

调整和规范中央与地方、地方各级政府间的收支关系，建立健全与事权相匹配的财税体制。实行有利于促进科技进步、转变增长方式、优化经济结构的财税制度。

第一节 完善财政体制

加快公共财政体系建设，明确界定各级政府的财政支出责任，合理调整政府间财政收入划分。完善中央和省级政府的财政转移支付制度，理顺省级以下财政

管理体制，有条件的地方可实行省级直接对县的管理体制，逐步推进基本公共服务均等化。改革预算编制制度，提高预算的规范性和透明度。继续深化部门预算、国库集中收付、政府采购和收支两条线管理制度改革。建立国库现金管理和国债余额管理制度，推进政府会计改革。加强预算执行审计，提高预算执行的严肃性。建立财政预算绩效评价体系，提高财政资金使用效率。加强政府债务管理，防范政府债务风险。完善非税收入管理制度，规范对土地和探矿权、采矿权出让收入的管理。

第二节 完善税收制度

在全国范围内实现增值税由生产型转为消费型。适当调整消费税征收范围，合理调整部分应税品目税负水平和征缴办法。适时开征燃油税。合理调整营业税征税范围和税目。完善出口退税制度。统一各类企业税收制度。实行综合和分类相结合的个人所得税制度。改革房地产税收制度，稳步推行物业税并相应取消有关收费。改革资源税制度。完善城市维护建设税、耕地占用税、印花税。

第三十三章 加快金融体制改革

第一节 深化金融企业改革

积极推进国有商业银行综合改革，通过加快处置不良资产、充实资本金、股份制改造和上市等途径，完善公司治理结构，健全内控机制，建设具有国际竞争力的现代股份制银行。合理确定政策性银行职能定位，健全自我约束机制、风险调控机制和风险补偿机制。加快其他商业银行、邮政储蓄机构等金融机构改革。稳步发展多种所有制金融企业，鼓励社会资金参与中小金融机构的设立、重组与改造。完善金融机构规范运作的基本制度，稳步推进金融业综合经营试点。推进

金融资产管理公司改革。完善保险公司治理结构，深化保险资金运用管理体制改革。

第二节 加快发展直接融资

积极发展股票、债券等资本市场，稳步发展期货市场。推进证券发行、交易、并购等基础性制度建设，促进上市公司、证券经营机构规范运作，建立多层次市场体系，完善市场功能，拓宽资金入市渠道，提高直接融资比重。发展创业投资，做好产业投资基金试点工作。

第三节 健全金融调控机制

加强货币政策与其他宏观政策的相互协调配合，完善金融调控体系。建立健全货币市场、资本市场、保险市场有机结合、协调发展的机制，维护金融稳定和金融安全。稳步发展货币市场，理顺货币政策传导机制，推进利率市场化改革。完善有管理的浮动汇率制度，逐步实现人民币资本项目可兑换。

第四节 完善金融监管体制

建立金融风险识别、预警和控制体系，防范和化解系统性金融风险。规范金融机构市场退出机制，建立相应的存款保险、投资者保护和保险保障制度。提高金融监管水平，加强风险监管和资本充足率约束，建立健全银行、证券、保险监管机构间以及同宏观调控部门的协调机制。

第三十四章 完善现代市场体系

第一节 健全全国统一开放市场

进一步打破行政性垄断和地区封锁，完善商品市场，健全资本、土地、技术和劳动力等要素市场。严格界定公益性用地和经营性用地，经营性基础设施用地实行有偿使用，完善经营性用地招标采购挂牌出让和非经营性用地公开供地制度。规范发展产权交易市场。积极发展技术市场。逐步建立城乡统一的劳动力市场。

第二节 完善价格形成机制

积极稳妥地推进资源性产品价格改革。合理调整水利工程供水、城市供水和再生水价格。推进电价改革，逐步建立发电、售电价格由市场竞争形成，输电、配电价格由政府定价的机制。适时推进石油价格改革，建立与替代能源价格挂钩的天然气价格形成机制。扩大市场形成土地价格的范围。

第三节 规范市场秩序

打击各种违法经营活动，规范市场主体行为和市场竞争秩序。清理整顿对企业的乱收费、乱罚款和各种摊派。加强价格监管，禁止价格欺诈、价格操纵等行为。以完善信贷、纳税、合同履约、产品质量的信用记录为重点，加快建设社会信用体系，健全失信惩戒制度。

第九篇 实施互利共赢的开放战略

坚持对外开放基本国策，在更大范围、更广领域、更高层次上参与国际经济技术合作和竞争，更好地促进国内发展与改革，切实维护国家经济安全。

第三十五章 加快转变对外贸易增长方式

按照发挥比较优势、弥补资源不足、扩大发展空间、提高附加价值的要求，积极发展对外贸易，促进对外贸易由数量增加为主向质量提高为主转变。到 2010 年货物贸易、服务贸易进出口总额分别达到 2.3 万亿美元和 4000 亿美元。

第一节 优化出口结构

以自有品牌、自主知识产权和自主营销为重点，引导企业增强综合竞争力。支持自主性高技术产品、机电产品和高附加值劳动密集型产品出口。严格执行劳动、安全、环保标准，规范出口成本构成，控制高耗能、高污染和资源性产品出口。完善加工贸易政策，继续发展加工贸易，着重提高产业层次和加工深度，增强国内配套能力，促进国内产业升级。引导企业构建境外营销网络，增强自主营销能力。积极开拓非传统出口市场，推进市场多元化。加强对出口商品价格、质量、数量的动态监测，构建质量效益导向的外贸促进和调控体系。

第二节 积极扩大进口

实行进出口基本平衡的政策，发挥进口在促进我国经济发展中的作用。完善进口税收政策，扩大先进技术、关键设备及零部件和国内短缺的能源、原材料进口，促进资源进口多元化。

第三节 发展服务贸易

扩大工程承包、设计咨询、技术转让、金融保险、国际运输、教育培训、信息技术、民族文化等服务贸易出口。鼓励外资参与软件开发、跨境外包、物流服务等。建设若干服务业外包基地，有序承接国际服务业转移。积极稳妥扩大服务业开放，建立服务贸易监管体制和促进体系。

第四节 完善公平贸易政策

健全贸易运行监测预警体系和摩擦应对机制，合理运用反倾销、反补贴、保障措施，增强应对贸易争端能力，维护企业合法权益和国家利益。加强国际贸易的多双边对话与合作，实现共同发展。完善贸易法律制度，建立大宗商品进出口协调机制，加强行业自律，规范贸易秩序。有效运用技术性贸易措施，加强进出口检验检疫和疫情监控。

第三十六章 提高利用外资质量

抓住国际产业转移机遇，继续积极有效利用外资，重点通过利用外资引进国外先进技术、管理经验和高素质人才，把利用外资同提升国内产业结构、技术水平结合起来。

第一节 引导外商投资方向

完善法律法规和政策，形成稳定、透明的管理体制和公平、可预见的政策环境。引导外资更多地投向高技术产业、现代服务业、高端制造环节、基础设施和生态环境保护，投向中西部地区和东北地区等老工业基地。鼓励跨国公司在我国设立地区总部、研发中心、采购中心、培训中心。鼓励外资企业技术创新，增强配套能力，延伸产业链。吸引外资能力较强的地区和开发区，要注重提高生产制造层次，并积极向研究开发、现代流通等领域拓展，充分发挥集聚和带动效应。

第二节 促进利用外资方式多样化

引导国内企业同跨国公司开展多种形式的合作，发挥外资的技术溢出效应。在保护国内自主品牌基础上，引导和规范外商参与国内企业改组改造。有效利用境外资本市场，支持国内企业境外上市。完善风险投资退出机制，鼓励外商风险投资公司和风险投资基金来华投资。鼓励具备条件的境外机构参股国内证券公司和基金管理公司。

继续用好国际金融组织和外国政府贷款，重点投向中西部地区和东北地区等老工业基地，用于资源节约、环境保护和基础设施建设。合理、审慎使用国际商业贷款，允许具备条件的金融机构和企业境外融资。加强对外债的宏观监测和管理，优化债务结构，保持适度的外债规模。

第三十七章 积极开展国际经济合作

完善促进生产要素跨境流动和优化配置的体制和政策，积极发展与周边国家及其他国家的经济技术合作，实现互利共赢。

第一节 实施“走出去”战略

支持有条件的企业对外直接投资和跨国经营。以优势产业为重点，引导企业开展境外加工贸易，促进产品原产地多元化。通过跨国并购、参股、上市、重组联合等方式，培育和发展我国的跨国公司。按照优势互补、平等互利的原则扩大境外资源合作开发。鼓励企业参与境外基础设施建设，提高工程承包水平，稳步发展劳务合作。完善境外投资促进和保障体系，加强对境外投资的统筹协调、风险管理和海外国有资产监管。

第二节 推进国际区域经济合作

统筹规划并稳步推进贸易、投资、交通运输的便利化，积极参与国际区域经济合作机制，加强对话与协商，发展与各国的双边、多边经贸合作。积极参与多边贸易、投资规则制定，推动建立国际经济新秩序。增加我国对其他发展中国家的援助，进一步加强与发展中国家的经济技术合作。

第十篇 推进社会主义和谐社会建设

按照民主法治、公平正义、诚信友爱、充满活力、安定有序、人与自然和谐相处的要求，从解决人民群众最关心、最直接、最现实的切身利益问题入手，扎实推进和谐社会建设。

第三十八章 全面做好人口工作

第一节 稳定人口低生育水平

坚持计划生育基本国策，稳定和完善现行生育政策，落实人口和计划生育工作目标责任制。建立独生子女死亡、伤残家庭扶助制度，完善基本服务项目免费制度。加强计划生育服务管理能力建设。完善以现居住地管理为主的流动人口计划生育服务管理体系。

第二节 改善出生人口素质和结构

普及优生优育知识，实施计划生育生殖健康促进计划，加大出生缺陷干预力度，鼓励婚前和孕前医学检查，预防和控制先天性感染、遗传性因素对出生人口健康的影响。采取综合措施有效治理出生人口性别比升高的问题。

第三节 积极应对人口老龄化

弘扬敬老风尚，营造老有所养、老有所乐、老有所为的社会氛围。积极发展老龄产业，增强全社会的养老服务功能，提高老年人生活质量，保障老年人权益。实施爱心护理工程，加强养老服务、医疗救助、家庭病床等面向老年人的服务设施建设。

第四节 保障妇女儿童权益

落实男女平等基本国策，实施妇女发展纲要，保障妇女平等获得就学、就业、社会保障、婚姻财产和参与社会事务的权利，加强妇女卫生保健、扶贫减贫、劳动保护、法律援助等工作。坚持儿童优先原则，实施儿童发展纲要，依法保障儿童生存权、发展权、受保护权和参与权。改善儿童成长环境，促进儿童身心健康发展。完善孤残儿童手术康复、家庭寄养经费投入和艾滋孤儿救助机制。

第五节 保障残疾人权益

倡导和鼓励社会各界关心、支持和参与残疾人事业。推进无障碍设施建设，加强残疾人康复、贫困残疾人脱贫、残疾少年儿童义务教育、残疾人就业服务和社会保障等工作，创造残疾人平等参与社会生活的条件。

第三十九章 提高人民生活水平

第一节 千方百计扩大就业

把扩大就业摆在经济社会发展更突出的位置，实行积极的就业政策，统筹城乡就业，努力控制失业规模。继续实施和完善鼓励企业增加就业岗位、加强就业培训的财税、信贷等优惠政策。健全就业服务体系，加快建立政府扶助、社会参与的职业技能培训机制。完善对困难地区、困难行业和困难群体的就业援助制度。积极发展就业容量大的劳动密集型产业、服务业和各类所有制的中小企业。鼓励劳动者自主创业和自谋职业，促进多种形式就业。支持并规范发展就业中介服务。全面实行劳动合同制度，积极推行集体合同制度，健全协调劳动关系三方机制，完善劳动争议处理体制。全面建立用人单位守法诚信制度。完善企业裁员机制，避免把富余人员集中推向社会。国有企业要尽可能通过主辅分离、辅业改制等措施安置富余人员。加强劳动力市场监管、劳动保护和劳动执法监察，规范用工行为，切实维护劳动者合法权益。

第二节 加大收入分配调节力度

完善按劳分配为主体、多种分配方式并存的分配制度，坚持各种生产要素按贡献参与分配。加快推进收入分配制度改革，规范个人收入分配秩序，强化对分配结果的监管，努力缓解行业、地区和社会成员间收入分配差距扩大的趋势。更加注重社会公平，特别要关注就学、就业机会和分配过程的公平。着力提高低收入者收入水平，逐步扩大中等收入者比重，有效调节过高收入。严格执行最低工资制度，逐步提高最低工资标准。建立规范的公务员工资制度，规范职务消费，完善国有企事业单位收入分配规则和监管机制。控制和调节垄断性行业的收入，建立健全个人收入申报制，强化个人所得税征管。坚决取缔各种非法收入。

第三节 健全社会保障体系

增加财政社会保障投入，多渠道筹措社会保障基金，合理确定保障标准和方式，建立健全与经济发展水平相适应的分层次、广覆盖的社会保障体系。

扩大城镇基本养老保险覆盖范围，逐步做实个人账户，逐步提高社会统筹层次，增强统筹调剂的能力。推进机关事业单位养老保险制度改革。建立失业保险与促进就业联动机制，完善失业保险制度。扩大基本医疗保险覆盖范围，健全多层次的医疗保障体系。完善和落实工伤保险政策和标准，推进各类用人单位依法参加工伤保险。鼓励有条件的企业建立补充保险。建立健全生育保险制度。认真解决进城务工人员社会保障问题。规范社会保险基金征缴和监管。加强社会保障服务管理能力建设。

完善城市居民最低生活保障制度，逐步提高保障标准。建立城乡医疗救助制度，将城市居民最低生活保障对象、农村特困户和五保供养对象纳入救助范围。

完善城市生活无着流浪乞讨人员特别是流浪未成年人的救助制度。鼓励开展社会慈善、社会捐赠、群众互助等社会扶助活动，支持志愿服务活动并实现制度化。

第四节 加大扶贫工作力度

强化各级政府扶贫职责，加大扶贫投入，完善扶贫开发机制，提高扶贫效率。对具备基本生存条件的贫困地区，继续实行就地扶贫，改善基本生产生活条件，开辟增收途径；对生存条件恶劣的贫困地区，实行易地扶贫。对有劳动能力的贫困人口，实行技能培训、技术扶贫和劳务输出扶贫，增强其增收能力；对不具备劳动能力的贫困人口，实行救济和救助。更加注重对贫困家庭子女的扶助，通过寄宿学习、家庭寄养、社会托养、免费职业教育等，改善其成长环境，防止贫困代际传递。采取社会救助和设立专项贷款等措施，防止因灾因病返贫。加大对集中连片贫困地区扶持力度，因地制宜地实行整村推进的扶贫开发方式。继续开展定点帮扶工作，鼓励社会各界积极参与扶贫工作。

第五节 扩大城乡居民消费

提高城乡居民收入水平，增强居民特别是农村居民和城镇低收入者的消费能力。培育消费热点，推进公众营养改善行动，健全普通商品住房与经济适用住房、廉租住房相结合的城镇住房供应体系，继续提高电话、计算机等的普及率，促进文化、健身、旅游、休闲等服务性消费。引导居民消费预期，扩大即期消费。改善消费环境，规范和发展消费信贷。

第四十章 提高人民健康水平

高度关注人民健康，加大政府投入力度，加快发展医疗卫生事业，认真解决群众看病难看病贵问题。

第一节 完善公共卫生和医疗服务体系

建立健全突发公共卫生事件应急机制，提高疾病预防控制和医疗救治能力。改善医疗卫生机构条件，加强专业队伍建设。大力发展社区卫生，加快构建以社区卫生服务为基础，社区卫生服务机构与医院分工协作、双向转诊的城市医疗服务体系。

第二节 加强疾病防治和预防保健

严格控制艾滋病、结核病、乙型肝炎等重大传染病的传播，有效预防和控制血吸虫病等寄生虫病和地方病，加强新发传染病防治和免疫工作，综合防治心脑血管疾病、恶性肿瘤等慢性病和职业病。加强心理健康教育 and 保健，重视精神卫生及疾病防治。加强妇幼卫生保健，儿童计划免疫接种率达到 90% 以上，婴儿死亡率降至 17%，孕产妇死亡率降至 40/10 万。

第三节 加强中医药和医学科研工作

保护和发展中医药，加强中医临床研究基地和中医医院建设，推进中医药标准化、规范化。整合优势医学科研资源，加强对重大疾病的研究。

第四节 深化医疗卫生体制改革

按照政事分开、管办分开、医药分开、营利性与非营利性分开的方向，坚持政府主导、社会参与、转换机制、加强监管的原则，建立符合国情的医疗卫生体制，为人民群众提供安全方便有效合理的公共卫生和基本医疗服务。按属地化和全行业管理的原则完善分类管理。强化政府在提供公共卫生和基本医疗服务中的责任，建立各级政府间规范的责任分担与资金投入机制，逐步建立投资主体多元化、投资方式多样化的办医体制。完善公立医疗机构运行机制、激励机制和补偿

政策。整合医疗卫生资源，大力提高农村、中西部地区和基层公共卫生资源的比重。加强对医疗卫生服务行为、服务质量和药品市场的监管，降低药品虚高价格，控制医疗费用过快上涨。

第四十一章 加强公共安全建设

完成改革和发展的任务，必须保持长期稳定的社会环境。要强化全社会公共安全意识，加强公共安全保障能力建设，提高公共安全保障水平，维护人民生命财产安全，确保社会稳定。

第一节 增强防灾减灾能力

加强防洪减灾薄弱环节建设，重点加强大江大河综合治理、病险水库除险加固、蓄滞洪区建设和城市防洪，增强沿海地区防台风、风暴潮、海啸的能力。加强对滑坡、泥石流和森林、草原火灾的防治。提高防洪减灾预警和指挥能力，建立洪水等灾害风险管理制度和防洪减灾保障制度。加强对三峡库区等重点地区地质灾害的防治。完善大中型水库移民后期扶持政策。加强城市群和大城市地震安全基础工作，加强数字地震台网、震情、灾情信息快速传输系统建设，实行预测、预防、救助综合管理，提高地震综合防御能力。

第二节 提高安全生产水平

坚持安全第一、预防为主、综合治理，落实安全生产责任制，强化企业安全生产主体责任，健全安全生产监管体制，严格执行重大安全生产事故责任追究制度。加强安全生产科研开发、监管监察和支撑体系建设。实施重大危险源普查和监测监控，加大安全设施投入，搞好隐患治理和安全技术改造。严格执行安全生产许可制度，加强煤炭等高危行业和重点领域的安全生产，抓好非煤矿山、特种设备、危险化学品、烟花爆竹、建筑施工、道路交通和人员密集场所消防安全等

的专项整治。强化交通、消防基础设施建设和安全监管。培育和规范安全生产中介机构。加强安全生产宣传教育培训。建立安全生产指标考核体系，到 2010 年单位国内生产总值生产安全事故死亡率下降 35%，工矿商贸就业人员生产安全事故死亡率下降 25%。

第三节 保障饮食和用药安全

加强食品、药品监管设施建设，完善技术标准体系，创新监管机制，规范监管行为，提升监管能力和水平，依法强化对食品、药品、餐饮卫生等的监管，保障人民群众健康安全。

专栏 16 公共服务重点工程

社会救助➤ 建设救助管理设施、流浪未成年人保护中心、“慈善超市”和社会捐助接收点等。

社会福利➤ 建设综合福利中心、社区福利设施、农村敬老院、儿童福利机构、残疾人综合服务设施等。

公共卫生➤ 继续完善疾病预防控制和医疗救治体系，加强中医临床研究基地和重点中医医院建设。

社区服务➤ 新建和改造社区服务中心、社区服务站，加强和完善社区卫生、社会保险服务。

防洪减灾➤ 建设治淮骨干工程，加强大江大河及中小河流治理。实施主要江河蓄滞洪区安全建设工程。

安全生产应急救援➤ 建设国家、省、市三级安全生产应急救援指挥中心和国家、区域、骨干专业应急救援体系。

重大事故隐患治理➤ 治理尾矿库危库、险库和危险性较大的病库，搬迁城区内安全距离不达标危险化学品生产和储存企业。

国家灾害应急救援➤ 建设四级灾害应急救援指挥体系。

基层政法基础设施➤ 新建和改造基层派出所、司法所、人民法庭。

第四节 维护国家安全和社会稳定

依法严厉打击各种犯罪活动，保障人民群众安居乐业。加强社会治安综合治理，推进社会治安防控体系建设，深入开展平安创建活动。改善司法保障条件，加强基层政法机构、案件侦查、禁毒、缉私、边境检查等的基础设施建设。积极应对传统和非传统安全问题。加强公安政法队伍建设。

第五节 强化应急体系建设

建立健全应急管理体系，加强指挥信息系统、应急物资保障、专业救灾抢险队伍、应急标准体系以及运输、现场通讯保障等重点领域和重点项目的建设，健全重特大自然灾害发生后的社会动员机制，提高处置突发公共事件能力。

第四十二章 完善社会管理体制

健全党委领导、政府负责、社会协同、公众参与的社会管理格局，推进社会管理体制创新。

第一节 加强基层自治组织建设

推进管理有序、治安良好的和谐社区、和谐村镇建设，倡导人与人和睦相处，增强社会和谐基础。探索新时期城乡基层自治组织建设和管理的有效模式，发挥城乡基层自治组织协调利益、排忧解难的作用。

第二节 规范引导民间组织有序发展

培育发展行业协会、学会、公益慈善和基层服务性民间组织，发挥提供服务、反映诉求、规范行为的作用。完善民间组织自律机制，加强改进对民间组织的监管。

第三节 正确处理人民内部矛盾

高度重视并维护人民群众根本利益，妥善协调各方面利益关系，从源头上预防和化解人民内部矛盾。改进和完善信访工作，畅通诉求渠道，综合运用教育、协商、调解、法律等方式，依法及时合理地处理群众反映的问题。健全人民调解制度，完善社会矛盾纠纷调处机制。深入做好新时期的群众工作，引导群众以理性合法的形式表达诉求。建立和完善矛盾排查机制、信息预警机制、应急处置机

制和责任追究机制，预防和妥善处置群体性、突发性事件，切实解决群众的合理诉求，依法维护社会稳定。

第十一篇 加强社会主义民主政治建设

坚持政治文明和物质文明全面发展，扩大社会主义民主，健全社会主义法制，为现代化建设提供政治保证。

第四十三章 加强社会主义民主政治建设

第一节 发展社会主义民主

坚持和完善人民代表大会制度、中国共产党领导的多党合作和政治协商制度、民族区域自治制度。积极稳妥地继续推进政治体制改革，巩固和发展民主团结、生动活泼、安定和谐的政治局面。

健全民主制度，丰富民主形式，扩大公民有序的政治参与，保证公民依法实行民主选举、民主决策、民主管理、民主监督。加强基层民主建设，坚持和完善政务公开、厂务公开、村务公开，保证公民依法行使选举权、知情权、参与权、监督权。尊重和保障人权，促进人权事业全面发展。

巩固和壮大最广泛的爱国统一战线，健全重大问题决策前协商的制度。发挥人民政协的作用，支持人民政协履行政治协商、民主监督、参政议政的职能。坚持和完善职工代表大会和其他形式的企事业民主管理制度。发挥工会、共青团、妇联等人民团体的桥梁纽带作用。保证民族自治地方依法行使自治权，巩固和发展平等团结互助的社会主义民族关系，促进各民族共同繁荣进步。全面贯彻宗教

信仰自由政策，依法管理宗教事务，坚持独立自主自办的原则，引导宗教与社会主义社会相适应。贯彻落实侨务方针政策，做好侨务工作。

第二节 全面推进法制建设

贯彻依法治国基本方略，推进科学立法、民主立法，形成中国特色社会主义法律体系。完善市场主体、市场交易、市场监管、社会管理、可持续发展等方面的法律法规。推进司法体制和工作机制改革，规范司法行为，加强司法监督，促进司法公正，维护社会正义和司法权威。实施“五五”普法规划，开展法制宣传教育，提高全民法律素质，形成遵法守法、依法办事的社会风气。

第三节 加强廉政建设

坚持标本兼治、综合治理、惩防并举、注重预防的方针，建立健全教育、制度、监督并重的惩治和预防腐败体系。加大从源头上预防和治理腐败的力度。推进反腐倡廉体制、机制和制度创新，加强对权力运行的制约和监督，强化政府专门机构和社会监督，保障公民的检举权、控告权、申诉权。严肃查处违纪违法案件，坚决纠正损害群众利益的不正之风。

第十二篇 加强社会主义文化建设

牢牢把握先进文化的前进方向，坚持为人民服务、为社会主义服务的方向和百花齐放、百家争鸣的方针，繁荣社会主义文化，不断满足人民群众日益增长的精神文化需求。

第四十四章 加强社会主义文化建设

第一节 加强思想道德建设

全面落实邓小平理论和“三个代表”重要思想，深入学习贯彻科学发展观，加强马克思主义理论研究和建设，坚持马克思主义在意识形态领域的指导地位，进一步巩固全国各族人民团结奋斗的共同思想基础。坚持正确的舆论导向。加强理想信念教育和思想政治工作，大力弘扬以爱国主义为核心的民族精神和以改革创新为核心的时代精神，加强社会主义思想道德建设，扎实开展群众性精神文明创建活动，在全社会倡导爱国守法、明礼诚信、团结友善、勤俭自强、敬业奉献的基本道德规范，发扬艰苦奋斗的优良传统，进一步增强中华民族的凝聚力和创造力，使全体人民始终保持昂扬向上的精神状态，为全面建设小康社会提供强大的思想保证和精神动力。

第二节 丰富人民群众精神文化生活

积极发展文化事业和文化产业，创造更多更好适应人民群众需求的优秀文化产品。加大政府对文化事业的投入，逐步形成覆盖全社会的比较完备的公共文化服务体系。推进文化创新，实施精品战略，繁荣艺术创作，提高文化艺术产品质量。加强文化自然遗产和民族民间文化保护。扩大广播影视覆盖范围，发展数字广播影视，确保播出安全。繁荣新闻事业。发展现代出版发行业，积极发展数字出版，重视网络媒体建设。大力推广普通话。扩大国际文化交流，积极开拓国际文化市场，推动中华文化走向世界。办好上海世博会。

专栏 17 公共文化建设重点工程

村村通广播电视➤全面实现 20 户以上已通电自然村通广播电视。

农村电影放映➤基本实现全国农村一村一月放映一场电影。

乡镇综合文化站建设➤基本实现全国乡镇均建有综合文化站。

文化信息资源共享➤推进文化资源数字化，以农村为重点促进文化信息资源共享。

重大文化自然遗产保护➤加强世界遗产、国家重点文物保护单位、国家重点风景名胜区、国家历史文化名城(镇、村)等保护和利用设施建设，建设抢救性文物保护设施。

“西新工程”➤加强西藏、新疆等地区广播电视设施建设，扩大覆盖范围，提高收听收看质量，增强播出传输安全保障能力。

重大文化设施建设➤推进国家博物馆、中国美术馆(二期)、国家话剧院等和地方重点文化设施建设。

第三节 深化文化体制改革

建立党委领导、政府管理、行业自律、企事业单位依法运营的文化管理体制和富有活力的文化产品生产经营机制。改进对公共文化单位的扶持方式，促其增强活力、改善服务。推进经营性文化事业单位转制，努力形成一批坚持社会主义先进文化方向，有较强自主创新能力、市场竞争能力的文化企业和企业集团。完善文化产业政策，促进民族文化产业的发展，引导和规范非公有制经济进入文化产业，形成以公有制为主体、多种所有制共同发展的文化产业格局和民族文化为主体、吸收外来有益文化的文化市场格局。加强文化市场综合执法和对互联网的管理，坚持扫黄打非，营造扶持健康文化、改造落后文化、抵制腐朽文化的社会环境。积极倡导企业文化建设。

第十三篇 加强国防和军队建设

根据维护国家安全统一和发展利益的要求，加强国防和军队现代化建设，形成国防建设与经济建设协调发展的良好局面。

第四十五章 加强国防和军队建设

第一节 全面加强军队建设

坚持以毛泽东军事思想、邓小平新时期军队建设思想、江泽民国防和军队建设思想为指导，坚持把科学发展观作为加强国防和军队建设的重要指导方针，坚持党对军队的绝对领导，贯彻积极防御的军事战略方针，着眼有效履行新世纪新阶段军队的历史使命，全面加强军队革命化现代化正规化建设，积极推进中国特色军事变革，努力提高部队信息化条件下整体防卫作战能力。始终把政治建设摆在各项建设的首位，保持军队建设的正确方向。实施科技强军战略，推进机械化和信息化复合发展。深化体制编制和政策制度调整改革，优化力量结构和部队编成，增强军队建设的活力。创新军事理论，加强部队训练和院校教育，培养新型军事人才，提高官兵素质。发展现代化武器装备，优化体系结构，提高配套水平。推进后勤建设和改革，增强综合保障能力，提高官兵生活水平。加强基层建设，打牢部队建设基础。贯彻依法治军、从严治军方针，强化作风纪律建设，严格部队管理教育，确保部队高度稳定和集中统一。加强武装警察部队建设，着力提高执勤处突反恐的能力。深入开展“双拥”活动，军队要积极参加抢险救灾和支援国家经济建设，国家和社会要做好优抚安置工作，巩固和发展军政军民团结。

第二节 调整优化国防科技工业

坚持军民结合、寓军于民、强化基础、自主创新的方针，加快国防科技工业转型升级，提高科技创新能力，开发军民两用技术和产品。推进数字化军工建设，提高武器装备研发和制造水平，确保武器装备供应。调整优化军品科研生产能力结构，提升总体设计、总装测试和系统集成等核心能力，精干科研生产主体，推进专业化重组和社会化协作。积极稳妥地实施军工科研院所改革。建立面向社会的军品科研生产准入和退出制度，健全军民互动合作的协调机制。以产权制度改革为突破口，分类实施军工企业股份制改造。深化军工投资体制改革，推进投资主体多元化。

第三节 增强国防动员能力

深化国防动员体制和运行机制改革，坚持在经济建设中贯彻国防的要求，逐步建立集中统一、结构合理、反应迅速、权威高效的现代国防动员体系。加强民兵预备役部队质量建设，抓好国民经济动员、人民防空和交通战备等建设，推进国防动员信息化，开展全民国防教育，提高平战转换、快速动员、持续保障和综合防护能力。加强国防基础设施建设，依法保护国防设施。

第十四篇 建立健全规划实施机制

在社会主义市场经济体制初步建立的条件下，实现本规划的目标和任务，主要依靠发挥市场配置资源的基础性作用。同时，政府要正确履行职责，调控引导社会资源，合理配置公共资源，保障规划顺利实施。

第四十六章 建立分类指导的实施机制

本规划提出的农业、工业、服务业等的发展方向，利用外资、对外贸易等的发展重点，是对市场主体的导向，主要依靠市场主体的自主行为实施。各级政府要维护公平竞争，严禁地方分割和部门保护，不得直接干预企业经营活动，不得干预市场机制正常运行。

本规划确定的保持经济平稳较快发展、转变经济增长方式、调整优化经济结构、增强自主创新能力、建设社会主义新农村、促进区域协调发展、促进城镇化健康发展、建设资源节约型和环境友好型社会等重点任务，主要通过完善市场机制和利益导向机制努力实现。政府要通过体制机制创新和完善政策，为激发市场主体的积极性、创造性营造良好的制度和政策环境。国有企事业单位要发挥带头和示范作用。

本规划确定的义务教育、公共卫生、社会保障、社会救助、促进就业、减少贫困、防灾减灾、公共安全、公共文化、基础科学与前沿技术以及社会公益性技术研究、国防等公共服务领域的任务，是政府的承诺，各级政府要切实履行职能，运用公共资源全力完成。

本规划提出的主体功能区划、保护生态环境、资源管理、保护知识产权、调节收入分配、维护市场经济秩序、保障人民合法权益、社会建设和管理等的要求，主要通过健全法律法规、加大执法力度等法律手段，并辅之以经济手段加以落实。

本规划确定的改革任务，是政府的重要职责，必须放在政府工作的重要位置。要加强对改革的总体指导和统筹协调，将改革任务分解落实到有关部门，不失时机地推进，并注重及时把行之有效的改革措施用法律、规章和制度的形式确立下来。

第四十七章 调整和完善经济政策

根据公共财政服从和服务于公共政策的原则，按照公共财政配置的重点要转到为全体人民提供均等化基本公共服务的方向，合理划分政府间事权，合理界定财政支出范围。公共财政预算安排的优先领域是：农村义务教育和公共卫生、农业科技推广、职业教育、农村劳动力培训、促进就业、社会保障、减少贫困、计划生育、防灾减灾、公共安全、公共文化、基础科学与前沿技术以及社会公益性技术研究、能源和重要矿产资源地质勘查、污染防治、生态保护、资源管理和国家安全等。重点支持的区域是：限制开发区域和禁止开发区域，中西部地区特别是革命老区、民族地区、边疆地区、贫困地区，三峡库区，资源枯竭型城市等。

充分发挥税收的调节作用，完善和制定鼓励资源节约型和环境友好型社会建设、促进就业和再就业、促进科技发展和增强自主创新能力、促进文化体制改革，以及振兴装备制造业和其他产业健康发展的税收政策。

按照社会主义集中力量办大事原则，在经济发展和财力增加基础上逐步增加中央政府投资规模。完善政府投资管理体制，整合政府投资，改进投资方式，加强项目监管。

加强和改进产业政策工作，增强对国内产业发展、对外贸易和利用外资的统筹，加强信贷、土地、环保、安全、科技等政策和产业政策的配合，采用经济手段促进产业发展。加强对高技术产业和装备制造业薄弱环节的扶持，重点支持研究开发，培育核心竞争力。按照适度偏紧原则调控高耗能产业规模，控制生产能力盲目扩张。按照引导产业集群发展、减少资源跨区域大规模调动的原则优化产业布局，促进主要使用海路进口资源的产业在沿海地区布局，主要使用国内资源和陆路进口资源的产业在中西部重点开发区域布局。实施品牌战略，支持拥有自主知识产权和知名品牌、竞争力强的大企业发展成为跨国公司。实施中小企业成

长工程。依法淘汰落后工艺技术，关闭破坏资源、污染环境和不具备安全生产条件的企业。

专栏 18 中央政府投资支持的重点领域

新农村建设➤ 普及和巩固农村义务教育，农村劳动力转移就业，公共卫生和基本医疗服务体系，饮水安全，农村公路，沼气等可再生能源，农村电网，农村公共文化，优质粮食产业工程，沃土工程，植保工程，灌区建设，动物防疫体系及种养殖业良种工程等。

公共服务➤ 义务教育、中等职业教育和劳动力技能培训，重大疾病防治体系，基层公共卫生、社会福利、公共文化和体育设施，公检法司基础设施，就业服务，社区服务，食品药品安全监管设施，安全生产监管、煤矿安全监察设施及支撑体系，防洪、气象、地震等防灾减灾，采煤沉陷区治理，贫困地区以工代赈和易地扶贫，生态移民，民族地区和边疆地区发展等。

资源环境➤ 能源和重要矿产资源地质勘查，生态环境保护与修复，环境污染治理，节能节水节地，循环经济示范等。

自主创新➤ 知识创新工程，重大科学工程及科技基础设施，高技术产业化，重大技术装备自主研发及国产化，资源节约技术研发和推广等的示范。

基础设施➤ 国家铁路、国家高速公路，重要港口和航道，枢纽机场和重要支线机场，空管设施，南水北调，大江大河治理等重大水利工程，信息化和信息安全基础设施，战略物资储备，可再生能源，城市供水管网、燃气和集中供热设施，城镇污水和垃圾处理设施等。

第四十八章 健全规划管理体制

加强统筹协调。继续做好总需求与总供给的平衡，特别要加强制度协调、规划协调和政策协调。统筹协调政策目标和政策手段，搞好财政政策、货币政策、产业政策、区域政策、社会政策和政绩考核间的配合，防止国家政策部门化。统筹协调长期发展与短期发展，近期措施要有利于解决长期性发展难题，改革体制、制定政策、安排投资、确定发展速度，都要充分考虑可持续性，防止急于求成。

改革规划管理体制，健全科学化、民主化的编制程序，形成以国民经济和社会发展规划为统领，各类规划定位清晰、功能互补、统一衔接的规划体系。做深做实城市规划、土地利用规划、环境保护规划和粮食、能源、交通等专项规划。编制全国主体功能区划规划，明确主体功能区的范围、功能定位、发展方向和区域政策。强化区域规划工作，编制部分主体功能区的区域规划。改革完善地方规划，深化市县规划体制改革。

本规划确定的约束性指标，具有法律效力，要纳入各地区、各部门经济社会发展综合评价和绩效考核。约束性指标要分解落实到有关部门，其中耕地保有量、单位国内生产总值能源消耗降低、主要污染物排放总量减少等指标要分解落实到各省、自治区、直辖市。

国务院有关部门要加强对本规划实施情况的跟踪分析，接受全国人民代表大会及其常务委员会对规划实施情况的监督检查。

在本规划实施的中期阶段，要对规划实施情况进行中期评估。中期评估报告提交全国人民代表大会常务委员会审议。经中期评估需要修订本规划时，报全国人民代表大会常务委员会批准。

保持香港、澳门长期繁荣稳定。坚持“一国两制”、“港人治港”、“澳人治澳”、高度自治的方针，严格按照特别行政区基本法办事，加强和推动内地同港澳在经贸、科教、文化、卫生、体育等领域的交流和合作，继续实施内地与香港、澳门更紧密的经贸关系安排，加强内地和港澳在基础设施建设、产业发展、资源利用、环境保护等方面的合作。支持香港发展金融、物流、旅游、资讯等服务业，保持香港国际金融、贸易、航运等中心的地位。支持澳门发展旅游等服务业，促进澳门经济适度多元发展。

台湾是中华人民共和国不可分割的神圣领土。推进两岸关系发展和祖国统一大业，扩大海峡两岸经济、文化、科技、教育交流与人员往来，维护台湾同胞的正当权益，推动全面、直接、双向“三通”，促进建立稳定的两岸经贸合作机制，促进两岸关系发展，维护台海和平稳定。

“十一五”规划是全面建设小康社会进程中的重要规划。全国各族人民要在中国共产党的领导下，紧密团结在以胡锦涛同志为总书记的党中央周围，高举邓小平理论和“三个代表”重要思想伟大旗帜，全面贯彻落实科学发展观，振奋精神，扎实工作，锐意进取，开拓创新，为实现“十一五”规划和全面建设小康社会的宏伟目标而努力奋斗。（完）

China's Twelfth Five Year Plan (2011- 2015)- the Full English Version

<http://www.britishchamber.cn/content/chinas-twelfth-five-year-plan-2011-2015-full-english-version>

Part I: Transforming growth pattern, create a new scenario for scientific development

Chapter 1: Development Environment

Given the great achievements of social development that we have attained in the last five years, the 11th Five Year Plan period is indeed extraordinary. In face of the complex changes and major risks both at home and abroad, the whole nation are united. Under the leadership of the Central Committee of the Communist Party of China (CPC), “Strive to Develop” has been attached great importance. Through implementing theories and policies of CPC and conducting the most effective macroeconomic regulation, we fully give full play to the socialist mechanism as well as to the market in terms of allocating resources. As a result, historical changes have occurred to our nation. We have not only effectively addressed the negative impacts caused by the global financial crisis but also maintained a rapid and stable economic development, which has laid a solid foundation for the sustainable development in the future. We successfully held the Beijing Olympic Games and the Shanghai World Expo. We have achieved the major objectives set in the 11th Five Year Plan. With five -year hard work, the national GDP and competitiveness have significantly enhanced. People have enjoyed a relatively high living standard, which has given a boost to China’s international status and influence. Tremendous achievements have been made in various aspects including construction of socialist economy, socialist politics, socialist culture, and ecological civilization. The new chapter of socialism with Chinese characteristics has been written. Having said that, our success does not come easily and the experiences we have gained are precious. The aspirations we have had are profound and lasting.

The current world is characterized of continuous complex changes, which may last for a while. Based on the judgment of both domestic and international situations, China is still in an important period of strategic opportunities during which there is a great deal China can achieve, and it is faced with both precious historic opportunities and plenty of foreseeable and unforeseeable risks and challenges. We should strengthen our awareness of the opportunities and challenges ahead. A good understanding of law of development, better adaptation to the environment, appropriate reconciliation of a variety of conflicts can put forward the endeavour of opening-up and reform as well as socialist modernization drive. In face of multi-polarity, deepening economic globalization, new changes in global economic political system, breakthroughs in technological innovation and that international tide remains peace, cooperation and development; China could embrace the general international environment which makes for the nation’s stable development. Meanwhile, international financial crisis still poses its profound impacts on global economy, slowing down the world’s economic growth; the global demand structure also appears salient changes, with competition more intensively focusing on market, resources, talented people,

technologies and standards; global issues such as climate change, energy security and food safety are becoming protruding; protectionism in various forms has been increasing. Under the scenario, China's external international environment has proved to be more complicated. China is to locate its positioning in international economic division of labour and to facilitate international economic cooperation as well as to and create its new advantages in global competition.

Domestically speaking, China is experiencing industrialization, informationization, urbanization, marketization and further internationalization, with a stable growth in per capita national income. China is also undergoing an accelerated transformation of economic structure and a huge potential in market demand, enjoying abundant capital supply, an increase in the capacity of technology and education, an enhancement in the quality of labours and a gradual improvement of infrastructure. Dynamics in structure is conspicuously strengthened; government macro-control ability as well as its capability to handle complicated situations has also been greatly enhanced. Social security system is getting strengthened along with overall social stability within grasp. China is confident to with its ability and social conditions to promote the development of economic and social development up to a new level as well as to raise the overall national strength. However, it is important to have a clear sight of the imbalanced, incompatible and non-sustainable elements within China's development, which mainly turn out to be a tightened constraint between economic growth on one hand and resources and environment on the other, an imbalance between investment and consumption, a relatively large income disparity, uncompetitive technological innovation ability, unreasonable industrial structure, vulnerable agricultural basis, a gap between rural and urban development, a coexistence of total employment pressure and structural contradiction, a significant increase in social conflicts and a still considerable number of institutional obstacles that restrain scientific development. China needs to wisely judge and accurately grasp the development trend, making full use of various advantageous conditions to efficiently solve the protruding contradictions and issues.

Chapter 2: Guiding Principles

To formulate the 12th Five Year Plan, we should hold high the great banner of socialism with Chinese characteristics. Under the guidance of Deng Xiaoping Theory and the important thought of Three Represents, we should comprehensively implement a scientific outlook on development and adjust to the new changes both home and abroad. We should live up to people's expectation to live a better life by deepening the endeavour of opening up and reform, and improve the social welfare system and people's livelihood. In order to achieve those goals, the scientific development is the theme while the acceleration of economic growth modes is the cardinal line. Additionally, we should consolidate the progress achieved in tackling the global financial crisis and improve a steady and rapid economic development in the long run as well as promote social harmony. The above-mentioned goals will lay a decisive foundation for building a well-off society in an all aspects.

The theme of scientific development is required by the times. It determines the overall situation of our endeavour of opening-up and reform, and the modernization drive. With more than 1.3 billion people, China is still and will be on the primary stage of socialism. As the largest developing country in the world, development is the key to solving problems. Currently, adhering to development in China is the main principle. In other words, we should stick to scientific development, pay more attention to

people and to the comprehensive and coordinated sustainable development, put a premium on overall planning with due consideration for all concerned, attach more importance to social welfare protection and improvement and enhance social justice. The inevitable way to promote scientific development is to maintain the cardinal line of speeding up the transformation of economic development, which accords well with China's fundamental realities and the new characteristics of the current developing stage. To accelerate transformation of the mode of economic development is a serious reform in China's economic and social fields, which must be run through the overall process and various fields in the development of economy and society, to make for a comprehensive, coordinated and sustainable development, to facilitate changes while developing and further promote development with changes on the way, to finally realize the sound and fast development of both economy and social life. To achieve these goals, the fundamental requirements lie in that:

We will elevate the core competitiveness of manufacturing industry, improving the new and strategic industries, speeding up the development of service industry as well as the primary and the second industries, striking a balance between the urban and rural development, proactively and steadily put forward the urbanization, accelerating the construction of socialist new villages and achieving the coordinated and interactive development among areas.

Scientific progress and innovation will support the transformation. Through comprehensively implementing the strategy of rejuvenating our country through science and education and talents, we will give full play to the role of science and human resources. China should upgrade its capabilities in indigenous research and innovation in science, technology and administration, train more innovative talents and improve education for workers. In a word, we will strive to speed up the construction of an innovation country.

The "fundamental end" of economic transformation is to improve people's lives, which could only be achieved by improving social welfare system, giving priority to job creation, providing equal public services to every citizen and stepping up reform of the income distribution system, we will unswervingly realize the shared prosperity and bring the benefits to the people.

In transforming the economic development mode, the importance of building a resource-saving and environment-friendly society should be stressed to save energy, reduce greenhouse emissions and actively tackle global climate change. We should develop circular economy and low carbon technologies through striking a balance between economic development and population growth, sustainable development will be enhanced.

The endeavour of reform and opening-up will drive the transformation. We should unswervingly push forward reforms in economic, political and social areas. Efforts should be made in building up a mechanism of advantage to scientific development. We should carry out the open-up strategy to achieve outcomes. We are working with the international society to tackling global challenges and share the potential for development.

[Chapter 3: Main Targets \(see excel\)](#)

Resource conservation and environmental protection targets are striking. We will maintain farmland reserves at 1.818 billion mu (approximately 121,260,600 hectares). We will cut water consumption per unit of value-added industrial output by 30%, and increase the water efficiency coefficient in agricultural irrigation to 0.53. Non-fossil fuel resources will rise to [11.4% of primary energy consumption](#). Energy consumption per unit of GDP will decrease 16% and CO2 emissions per unit of GDP will decrease 17%. We will make significant reductions in the total emissions of major pollutants: chemical oxygen demand (COD) and SO2 by 8%, ammonia nitrogen and nitrogen oxide by 10%. Forest coverage rate will increase to 21.66% and national forest stocks will increase by 600 million cubic metres.

Target		2010	2015	Change over 5 years (%)	Forecast or Binding
Farmland reserves (billion mu)		1.818	1.818	0	binding
Decrease in water consumption per unit of value-added industrial output (%)				30	binding
Increase of water efficiency coefficient in agricultural irrigation		0.5	0.53	0.03	forecast
Increase of non-fossil fuel usage in primary energy consumption (%)		8.3	11.4	3.1	binding
Decrease in energy consumption per unit of GDP (%)				16	binding
Decrease in CO2 emissions per unit of GDP (%)				17	binding
Total decrease in emissions of major pollutants (%)	Chemical Oxygen Demand (COD)			8	binding
	Sulphur Dioxide (SO2)			8	
	Ammonia Nitrogen			10	
	Nitrous Oxides			10	
Forest Increase	Forest coverage rate (%)	20.36	21.66	1.3	binding
	Forest stock (m ³)	137	143	6	

Chapter 4: Policy Direction

-Strengthen and improve macro-control. Strengthen the coordination of fiscal, monetary, investment, industrial and land policy, well balance the relationship between economic growth, restructure and managing inflation expectancy.

-establish long term mechanism of expanding domestic demand. Create positive consumption environment by actively yet steadily accelerating urbanization, implementing the strategy of employment as priority, deepening the distribution reform and improving social security system, gradually make the overall size of our domestic market ranks among the largest internationally.

-optimize investment structure. Clear definite the scope of government investment, standardize the investment behaviour of SOEs, encourage private investment,

effectively contain blind expansion and repeat construction, promote virtuous interaction, combine increase investment, employment and improve people's wellbeing, create demand.

-simultaneously promote industrialization, urbanization and agricultural modernization. Industry should support agriculture, city should support countryside, consolidate the foundation for agricultural development, speeding up agricultural modernization.

-Promote industrial upgrading by scientific innovation Guide the investment, talents and technology flow to enterprises, promote the strategic union of production and R&D, increase the industrial core competitiveness, promote coordinated development of three industrials in higher level.

-Accelerate coordinated and interactive regional development. In implementing master strategy of regional development and main function development, high priority should be given to the strategy of large-scale development of the western region, fully play the competitive advantage of each region; facilitate the flow of production factors and transition of industries, foster new regional economic engine in the central and western region, increase the coordination of regional development.

-Improve the incentive mechanism of energy conservation and emission reduction. Optimize the energy consumption structure, improve the mechanism of pricing and resources product and resource and environmental taxation, and strengthen the related laws, regulations and standard.

-Promote the equalization of basic public service. Improve public fiscal system and the social security system and gradually minimize the gaps between urban-rural and regional living standards and public service. Establish and improve the sustainable public service system which suits Chinese development situation, relatively comprehensive and covering both rural and urban areas.

-Accelerate the growth of rural and urban income. Improve the first and second distribution, appropriately adjust the distribution relationships between country, enterprises and people, and significantly increase the incomes of low-income group, continuously expanding the middle income group, reserve the enlarging trend of the gaps and strive to realize the synchronization of income and economic growth, remuneration and productivity.

-Strengthen and innovate social management. Increase the ability of social management, innovate the system, accelerate the construction of service government, focus to solve the original, basic and foundational problems which impacts the social harmony and stability, maintain the stable, orderly and vitality of society.

Part II: Strengthen and benefit the farmers, accelerating the construction of socialist new countryside

Chapter 5: accelerating the development of modern agriculture

Chapter 6: Expanding the channels for farmer's income

Chapter 7: Improve the rural production and living standards

Chapter 8: Improve the institution for rural development

Part III: Transformation and upgrading, enhancing the competitiveness of industrial core

Adhere to the new path of industrialization with Chinese characteristics, adapt to changes of market needs, give play to the comparative advantage of our country's industries in the global economy in light of the new trend of scientific and technological progress, and develop a modern industry system featuring optimized structure, advanced technology, cleanliness and safety, high added value and large employment capacity.

Chapter 9: Improve and promote manufacture

Optimize structure, improve varieties and quality, enhance industry supporting capability, eliminate backward production capacity, develop the advanced equipment manufacturing industry, adjust the optimize raw material industries, transform and improve the consumer goods industry, and promoting the enlargement and enhancement of manufacturing industries.

Section 1 Promoting the restructuring of key industries

The equipment manufacturing industry should improve the level of R&D and system integration of basic techniques, basic materials and basic components, strengthen the R&D and industrialization of critical technological equipment, and promote the intellectualization of equipment products. The shipbuilding industry should establish a modern shipbuilding pattern, and develop shipbuilding and supporting equipment with high technical added value in adaptation to new international shipbuilding standards. The automobile industry should strengthen the R&D capability of complete vehicles, realize the technical autonomy of key parts, and improve the level of energy conservation, environmental protection and security technology. The smelting and building material industries should control overall volume expansion strictly, optimize variety structure, and make new progress in product R&D, integrated resources utilization, energy conservation and emission reduction based on domestic demand. The petrochemical industry should explore new paths of diversified development of raw materials, focus on the development of high-end petrochemical products, accelerate the adjustment of fertilizer raw materials, and promote oil quality improvement. The light textile industry should strengthen environmental protection and quality safety, strengthen corporate brand building and improve technological equipment level. The packaging industry should accelerate the development of advanced packaging equipment, new packaging materials and high-end packaging products. The electronic information industry should improve R&D level, enhance the capability to develop basic electronics independently, and be guided toward the higher end of the industry chain. The building industry should extend green buildings and green construction, and focus on the optimization of the structure and service pattern with advanced building techniques, materials and information technology. Strengthen the elimination of backward production capacity, and suppress and channel off excess capacity.

Section 2 Optimizing industry layout

Optimize the productivity layout of key industries in light of regional functional positioning, and in consideration of such factors as energy resources, environmental capacity and market space. Major domestic products of energy and mineral resources are to be located in places rich in resources in central and western China with priority, and major projects that utilize imported resources mainly are to be located in coastal and frontier areas with priority. The relocation of urban enterprises of iron and steel, non-ferrous metals and chemicals should be carried out orderly. The layout of crude oil processing capacity should be optimized to promote the integrated development of upstream and downstream industries. Guide the clustering of production factors, and create a number of advanced manufacturing bases with international competitiveness based on key state projects. Develop a number of modern industry clusters with distinctive characteristics, a prominent brand image and a sound service platform using industry chains as a tie and industrial parks as a medium.

Section 3 Strengthening the technical improvement of enterprises

Formulate policies that support the technical improvement of enterprises, and accelerate the application of new technologies, new materials, new techniques and new equipment to improve traditional industries and market competitiveness. Support enterprises to improve equipment level, optimize production processes, accelerate the elimination of backward technologies and equipment, and improve the overall level of integrated utilization of energy resources. Encourage enterprises to enhance new product development capacity, increase the technology level and added value of products, and accelerate the upgrading of products. Promote the IT-based improvement and upgrading of such aspects as R&D and design, production circulation, and business administration, carry out advanced quality management, and promote the management innovation of enterprises. Build a number of industry technical innovation service platforms.

Section 4 Guiding the merger and reorganization of enterprises

Stick to market-based operations, give play to the role of enterprises as market players, improve related policies and eliminate institutional barriers. Drive advantaged enterprises to carry out alliance, cross-regional merger and reorganization, and increase industry concentration with focus on automobile, iron and steel, cement, machine building, electrolytic aluminium, rare earth, electronic information and pharmaceutical industries, etc. Promote independent brand building, improve brand value and effects, and accelerate the development of large enterprises with world-famous brands and core competencies.

Section 5 Promoting the development of small and medium enterprises (SMEs)

Develop SMEs energetically, and improve the system of policies and regulations for SMEs. Cause SMEs to accelerate the transformation of development patterns, strengthen quality and integrity building, and improve product quality and competitiveness. Promote the restructuring of SMEs, and improve the level of specialized division of labor. Guide SMEs to develop in clusters, and improve innovation capability and management level. Create a favorable environment to activate the development of SMEs. Establish a sound financial service and credit guarantee system for SMEs, increase the size and percentage of lending to SMEs, and

broaden channels of direct financing. Implement and improve preferential policies on taxation, etc. to relieve the social burden on SMEs.

Column 4 Key fields of development of manufacturing	
01	<p>Equipment manufacturing</p> <p>Drive equipment manufacturing from a production-oriented style to a service-oriented style, and promote the development of numerically controlled products, green production and enterprise IT building. Develop equipment required for such key fields as new strategic industries and infrastructure. Promote the specialized production of basic techniques, such as casting, forging, welding, thermal treatment and surface treatment, and improve the level of basic parts and components, such as bearings, gears, dies, hydraulics and automatic controls.</p>
02	<p>Shipbuilding</p> <p>Promote the upgrading of the three main vessel types of bulk vessel, oil tanker and container vessel in according to new international shipbuilding standards. Improve the ship equipment industry and loading rate. Give priority to the development of large liquefied natural gas (LNG) and liquefied petroleum gas (LPG) vessels, ocean-going fishing vessels, luxury liners, and other high-tech and high-added-value vessels. Accelerate the independent design and manufacture of mobile marine drilling platforms, floating production systems, marine engineering work ships, auxiliary ships, and key supporting equipment and systems.</p>
03	<p>Automobile</p> <p>Build a system for principle, production and industrialization innovation. Focus on management and control systems for power batteries, driving motors, and other key parts and power assemblies. Promote high-efficiency internal combustion machines, high-efficiency driving, light-weight materials and structures, complete vehicle optimization, ordinary hybrid power technologies, and the energy conservation of automobile products.</p>
04	<p>Iron and steel</p> <p>Focus on the development of steel for express railway, high-grade non-oriented silicon steel, high magnetic induction oriented silicon steel, high strength machine steel and other key steel varieties. Support such technical development efforts as non blast furnace iron making, clean steel production and integrated resources utilization. Focus on the development of energy conservation and emission reduction technologies, such as energy management and control system, high-temperature and high-pressure dry coke quenching, integrated residual heat utilization and desulfurization of sintering flue gas. Accelerate the construction of raw material bases.</p>
05	<p>Non-ferrous metals</p> <p>Focus on the development of key materials required for aviation, spaceflight and electronic information. Support the extended application of cutting-edge smelting technologies, short and continuous processes, and energy conservation and emission reduction technologies, and encourage the recycling of renewable energy sources, and the integrated utilization of low-grade minerals, associated minerals, minerals that are difficult to recover and refine, tailings and waste residues.</p>

06	<p>Building materials</p> <p>Focus on the development of photovoltaic glass, ultra-thin substrate glass, special fiberglass, special ceramics and other new materials. Support the co-disposal of urban domestic garbage based on cement kiln, and the construction of sludge production lines and exemplary lines of integrated utilization of waste building gases and materials. Develop new building materials and products that meet green building requirements.</p>
07	<p>Petrochemical</p> <p>Construct large integrated smelting and chemical bases. Implement exemplary projects of coal, electricity and chemical integration, carbon dioxide utilization and mercury pollution control. Ensure that oil quality attains the national IV standard, and the diversification rate of olefin raw materials attains 20%. Eliminate some high-toxin and high-residue pesticides.</p>
08	<p>Light industry</p> <p>Promote the industrialization of key technologies, such as new batteries, new agricultural plastics, energy-saving and environment-friendly electric power sources and intelligent white goods. Accelerate the localization of equipment for key industries. Continue to promote forest and paper integration engineering. Support further food processing, strengthen capacity building in food safety detection, and improve the quality and integrity system of food enterprises.</p>
09	<p>Textile</p> <p>Promote the industrialization and application of hi-tech fibers, and new-generation functional and differential fibers. Accelerate the development of industrial textile products. Promote the localization of high-end looms and accessories. Support the recycling of old and waste textile products.</p>

Column 4 Key fields of development of manufacturing, Xinhua News Agency

Chapter 10: Foster and develop strategic emerging sectors

Promote the deep fusion of rising technologies and industries based on major technological breakthroughs and development needs, and develop new strategic industries into leading and pillar industries while continuing to strengthen and enlarge high-tech industries.

Section 1 Promoting the leapfrog development of key fields

Develop new strategic industries energetically, such as energy-saving and environment-friendly new-generation IT, biology, high-end equipment manufacturing, new energy sources, new materials and new energy automobile. In the energy conservation and environmental protection industry, focus on the development of key technological equipment for efficient energy conservation, advanced environmental protection and resource recycling, products and services. In the new-generation IT industry, focus on the development of new-generation mobile communication, new-generation Internet, three-network convergence, Internet of things, cloud computing, IC, new displays, high-end software, high-end servers and information services. In the biological industry, focus on the development of biopharmaceuticals, biomedical engineering products, bio-agriculture and bio-manufacturing. In the high-end equipment manufacturing industry, focus on the development of aviation equipment, satellites and application, rail traffic equipment and intelligent manufacturing

equipment. In the new energy industry, focus on the development of new-generation nuclear energy and solar energy utilization, photovoltaic and photo-thermal power generation, and wind power technological equipment, intelligent power grids and biomass energy. In the new material industry, focus on the development of new functional materials, advanced structural materials, high-performance fibers and compound materials, and common basic materials. In the new energy automobile industry, focus on the development of plug-in hybrid electric vehicles, pure electric vehicles and fuel cell automobile technologies. The proportion of the added value of new strategic industries to GDP should attain about 8%.

Section 2

Implementing industry innovation and development projects

Give play to the leading and supporting role of special major technology projects of the state, make unified planning of technological development, engineering, standard formulation and application demonstration based on advantaged enterprises, industry clustering zones and major products, support commercial pattern innovation and market development, implement some major industry innovation and development projects, and foster a number of backbone enterprises and demonstration bases of new strategic industries for the purpose of mastering core industry technologies and accelerating large-scale industry development.

Column 5 Innovation and development of new strategic industries	
01	Energy conservation and environmental protection industries Implement major exemplary projects in energy conservation and environmental protection, and promote the industrialization of efficient energy conservation, advanced environmental protection and resource recycling.
02	New-generation IT industry Construct new-generation mobile communication networks, the new-generation Internet, and digital broadcast and television networks. Implement exemplary application projects of the Internet of things and special industrialization projects of network products. Construction industrial bases of IC, panel display, software and information services.
03	Biological industry Build databases of gene resources for pharmaceuticals, important plants and animals, and industrial microbial bacteria. Construct R&D and industrialization bases for biopharmaceuticals and biomedical engineering products, biological breeding, testing, detection and fine breeding bases, and exemplary bio-manufacturing application platforms.
04	High-end equipment manufacturing industry Construct industrialization platforms for homemade trunk and feeder airplanes, general-purpose airplanes and helicopters, and a spatial infrastructure framework composed of navigation, remote sensing and communication satellites, and develop intelligent control systems, high-class numerically controlled machines, high-speed trains and urban rail traffic equipment, etc.
05	New energy industry Construct industrial bases for new-generation nuclear power equipment, large wind power generating sets and parts, new assemblies of efficient solar power generation and heat utilization, biomass energy conversion and utilization technologies, and intelligent power grid equipment, and implement exemplary

	large-scale application projects of marine wind power, solar power and biomass energy.
06	New material industry Promote the R&D and industrialization of carbon fibers, semiconductor materials, high temperature alloy materials, superconductive materials, high-performance rare earth materials and nanometer materials for aviation and spaceflight, energy and resources, traffic and transport, and major equipment.
07	New-energy automobile industry Conduct R&D and large-scale commercialization demonstration projects for plug-in hybrid electric vehicles and pure electric vehicles, and promote industrialized application.

Column 5 Innovation and development of new strategic industries, Xinhua News Agency

Section 3 Strengthening policy support and guidance

Set up special funds for the development of new strategic industries and industry investment, expand the size of governmental start-up investment in rising industries, give play to the financing function of capital markets at different levels, and guide social capital to be invested in innovative start-ups. Make comprehensive use of financial preferential policies, such as risk compensation, and encourage financial institutions to strengthen credit support. Improve and encourage innovation, and guide tax support policies for investment and consumption. Accelerate the establishment of industrial standards in favour of the development of new strategic industries and important technical standards for products. Support the construction of infrastructure that supports new products and applications, and create a favorable environment for the fostering and development of market demand.

Chapter 11: Accelerate the reform of energy production and utilization mode

Stick to the guidelines of conservation first, diversified development based on domestic resources and environmental protection. Strengthen reciprocal international cooperation, adjust and optimize energy structure, and build a safe, stable, economical and clean modern energy industry system.

Section 1 Promoting the development of diversified and clean energy sources

Develop safe and efficient coal mines, and large coal enterprise groups, and promote the integration of coal resources, and the merger and reorganization of coal mine enterprises. Carry out R&D demonstration of coal-based natural gas, coal-based liquid fuels and coal-based co-production orderly, and promote industrialization steadily. Strengthen the exploration and development of petroleum and natural gas resources, stabilize domestic petroleum output, and promote the rapid growth of natural gas output, and the development and utilization of unconventional oil and gas resources, such as coal-bed gas and shale gas. Develop clean and efficient large-capacity coal-fired generating sets, giving priority to heat and power cogeneration units in large/medium cities and industrial parks, large coal-fired power stations near coal mines, and integrated coal gangue power stations. Develop hydropower actively

on the precondition of proper ecological conservation and resettlement, focus on the construction of large-sized hydropower stations in south western China, develop medium and small river waterpower resources based on local conditions, and plan and construct pumped storage power stations scientifically. Develop nuclear power on a safe and efficient basis. Strengthen the construction of grid-connection works, and develop wind power effectively. Develop solar energy, biomass energy, geothermal energy and other new energy sources actively. Promote the extended application of distributed energy systems.

Section 2 Optimizing the layout of energy development

Plan national energy development and construction priorities in a unified manner, construct five national integrated energy bases in Shanxi, the Ordos Basin, eastern Inner Mongolia, south western China and Xinjiang, and develop nuclear power in the eastern costal region and some areas in central China mainly. Improve the level of local energy processing and transformation to reduce the pressure of large-scale and long-distance energy transmission. Plan and construct energy storage facilities rationally, improve the petroleum reserve system, and strengthen the capacity of natural gas and coal reserve and peak molulation.

Section 3 Strengthening the construction of energy transmission channels

Accelerate the construction of the strategic transmission channels for north western, northeaster, south western China and sea-imported oil and gas, and improve the domestic trunk oil and gas pipe network. Make unified planning of natural gas import pipelines, LNG receiving stations, and cross-regional trunk gas transmission and distribution networks, and create a gas supply layout in which natural gas, coal-bed gas and coal-based gas are balanced. Accelerate the building of a modern power grid system, further expand the size of west-to-east power transmission, improve regional trunk power grids, and develop advanced large-capacity, high-efficiency and long-distance power transmission technologies to meet requirements for large-scale cross-regional power transmission and the grid connection of new energy generated power. Promote the construction of intelligent power grids, strengthen urban and rural power grid construction and improvement, and improve the electric performance and supply reliability of power grids using advanced information, control and energy storage technologies.

Column 6Priorities of energy construction	
01	Coal development and transformation Accelerate the construction of coal bases in northern Shaanxi, Huanglong, Shendong, eastern Inner Mongolia and eastern Ningxia, drive the construction of coal bases in northern, eastern and central Shanxi, Yunnan and Guizhou steadily, and start the construction of the Xinjiang coal base. Construct some large coal-fired power bases on the basis of the above coal bases.
02	Stabilizing oil output and increasing gas output Create the 5 large-scale oil and gas producing areas of the Tarim and Junggar Basins, the Liaosong Basin, the Ordos Basin, the Bohai Bay Basin and the Sichuan Basin, accelerate the exploration and development of offshore and deep-water oil and gas fields, and strengthen the production and utilization of coal-bed gas in coal mine areas. Increase oil refining capability appropriately.

03	<p>Nuclear power</p> <p>Accelerate the development of nuclear power in coastal provinces, promote nuclear power construction in central provinces steadily, and construct nuclear power projects with a total installed capacity of 40 million kW.</p>
04	<p>Renewable energy sources</p> <p>Construct large-sized hydropower stations in key watersheds, such as those of the Jinsha, Yalong and Dadu Rivers, and commence the construction of hydropower projects with a total installed capacity of 120 million kW. Construct 6 onshore and 2 coastal and offshore large wind power bases, with an additional installed capacity of over 70 million kW. Construct solar energy power stations with a total installed capacity of over 5 million kW with focus on Tibet, Inner Mongolia, Gansu, Ningxia, Qinghai, Xinjiang and Yunnan.</p>
05	<p>Oil and gas pipe networks</p> <p>Construct the China-Kazakhstan crude oil pipeline (Phase 2), the China-Myanmar oil and gas pipeline (domestic section), the Central Asia natural gas pipeline (Phase 2), and the West-to-east Gas Transmission Lines 3 and 4. The total length of oil and gas transmission pipelines attains about 150,000 kilometres. Accelerate the construction of gas storage facilities.</p>
06	<p>Power grids</p> <p>Accelerate the construction of outward power supply projects from large coal power, hydropower and wind power bases, and create some cross-regional power transmission channels using advanced technologies. Complete 330 kV or above power transmission lines of 200,000 kilometres. Carry out trials of intelligent power grid construction, improve substations to intelligent ones, extend the application of intelligent watt-hour meters, and construct electric vehicle charging facilities.</p>

Column 6Priorities of energy construction, Xinhua News Agency

Chapter 12: Construct comprehensive transportation system

Develop different modes of transport proactively in a unified manner. Complete the national express railway network and expressway network largely, and create an integrated traffic and transport system featuring connected network facilities, advanced and applicable technologies and equipment, and safe and efficient services preliminarily.

Section 1 Improving inter-regional traffic networks

Accelerate the construction of special passenger railway lines, inter-regional trunk lines and coal transport channels, and develop high-speed railways for passenger and freight transport. Strengthen the construction of bottleneck points in the national expressway network, and the expansion of national and provincial trunk highways. Drive the construction of high-grade waterways, and promote the standardization of vessels for inland water transport and enlarge ports. Improve transport systems for coal, petroleum, iron ore and container, etc., and improve the modernity of coastal port groups. Improve the aviation network with international pivotal airports and trunk line airports being the backbone, and feeder airports as a supplement, promote the development of general-purpose aviation, reform the airspace management mechanism, and improve the efficiency of utilization of airspace resources.

Section 2 Constructing inter-city express networks

Promote the construction of multi-layer inter-city express traffic networks of city groups taking rail traffic and expressways as the backbone, and national and provincial trunk highways as a supplement. Complete the inter-city traffic networks for the three major city groups of Beijing-Tianjin-Hebei, the Yangtze River Delta and the Pearl River Delta, and focus on the development of inter-city trunk lines in city groups.

Section 3 Giving priority to public traffic

Implement a public traffic priority strategy to develop urban public traffic systems greatly and increase the proportion of public traffic in overall traffic. Design technical routes for urban rail traffic scientifically, regulate construction standards, and promote the construction of urban rail traffic networks, including light rail, subway and trolley car. Develop ground rapid transit systems actively, and increase line density and station coverage. Regulate the urban taxi industry, guide private motor vehicle travel rationally and advocate non-motor-vehicle traffic. Optimize the functionality and layout of interchanges to improve traffic efficiency. Plan integrated urban and rural public traffic in a unified manner.

Section 4 Improving traffic service level

Strengthen the organic connection of railways, highways, ports, airports and urban public traffic, and accelerate the construction of integrated traffic hubs according to the requirements of zero-distance transfer and seamless freight connection. Extend the application of advanced equipment and technologies to improve the IT building level of traffic. Optimize transport organization, carry out innovative service pattern, and promote passenger ticket integration and through freight traffic. Develop energy-saving and environment-friendly means and modes of transport, and drop and pull highway transport greatly. Strengthen safety management to ensure transport safety.

Column 7 Priorities of traffic construction	
01	<p>Railways</p> <p>Construct 4 longitudinal and 4 transverse passenger transport special lines, inter-city rail traffic trunk lines in city groups, the second double line of the Lan-Xin Railway and such inter-regional trunk lines as Zhengzhou-Chongqing. Complete an expressway railway network with an operating mileage of 45,000 kilometres, and basically covering cities with a population of over 500,000, and western China trunk lines, such as the Lhasa-Shigatse Railway. Construct coal transport lines from central and south Shanxi, and western Mongolia to central China. Study the feasibility of constructing the Qiongzhou Strait sea-crossing project and the Sichuan-Tibet Railway.</p>
02	<p>Urban rail traffic</p> <p>Build urban rail traffic network systems in Beijing, Shanghai, Guangzhou and Shenzhen, etc., complete main urban rail traffic frameworks in Tianjin, Chongqing, Shenyang, Changchun, Wuhan, Xi'an, Hangzhou, Fuzhou, Nanchang and Kunming, etc., and plan rail traffic backbone lines in Hefei, Guiyang, Shijiazhuang, Taiyuan, Jinan and Urumqi, etc.</p>

03	<p>Highways</p> <p>Complete a national expressway network consisting of 7 radial lines, 9 longitudinal lines and 18 transverse lines largely, with an available mileage of 83,000 kilometres, basically covering cities with a population of over 200,000. Strengthen the improvement of national and provincial trunk highways, increase the proportion of Class 2 or above national highways to over 70%, and connect almost all county towns with appropriate conditions to Class 2 or above highways.</p>
04	<p>Coastal ports</p> <p>Construct coal loading ports in northern China, coal transit and storage bases in eastern and southern China, large crude oil handling terminals in Dalian and other ports, large iron ore handling terminals in Ningbo, Zhoushan and other ports, and container terminals in Shanghai, Tianjin and other ports. Construct about 440 10,000-ton and above deep berths.</p>
05	<p>Inland water transport</p> <p>Regulate the upper Yangtze River channel, implement the channel management project for the Jingjiang River section of the Yangtze River, and extend the 12.5-meter-deep channel at the estuary of the Yangtze River upward. Implement the Xijiang River trunk shipping channel capacity expansion project, and the Beijing-Hangzhou Canal improvement project, and promote the construction of the high-grade channel network of the Yangtze River Delta, and other high-grade channels.</p>
06	<p>Civil aviation</p> <p>Construct a new airport in Beijing, expand the airports of Guangzhou, Nanjing, Changsha, Haikou, Harbin, Nanning, Lanzhou and Yinchuan, construction a number of new branch line and general-purpose airports, and study the feasibility of constructing new airports in Chengdu, Qingdao and Xiamen. Accelerate the construction of new-generation flight control systems.</p>
07	<p>Integrated traffic hubs</p> <p>Construct 42 national integrated traffic hubs.</p>

Column 7 Priorities of traffic construction, Xinhua News Agency

Figure 2 National express railway network



Figure 2 National express railway network, Xinhua News Agency

Figure 3 National expressway network



Figure 3 National expressway network, Xinhua News Agency

Chapter 13: Comprehensively improve the informationization level

Accelerate the construction of a broadband, converged, secure and ubiquitous new-generation national IT infrastructure, and promote the deep convergence of IT building and industrialization, and IT building in all socioeconomic fields.

Section 1 Building new-generation information infrastructure

Plan new-generation mobile communication networks, the new-generation Internet, digital broadcast and television networks in a unified manner, and promote the construction of satellite communication facilities, and create an ultra-high-speed, large-capacity and highly intelligent national trunk line transmission network. Guide the construction of broadband wireless cities, promote the door-to-door connection of urban optical fibers, accelerate the construction of broadband networks in rural areas, and increase bandwidth popularity rate and access bandwidth comprehensively. Establish sound laws, regulations and standards with focus on the two-way access of radio and television, and telecom operations, realize the convergence of the telecom network, the radio and television network, and the Internet, and promote network interconnection and operation convergence.

Section 2 Accelerating socioeconomic IT building

Promote IT building in all socioeconomic fields. Develop e-business actively, improve e-business services oriented to SMEs, and promote the construction of society-oriented credit services, online payment and logistic distribution systems. Promote e-government building greatly, drive the interconnection, information sharing and operational coordination of key governmental information systems, construct and improve online administrative approval, information disclosure, online complaint handling, electronic supervision and auditing systems. Strengthen the building of key information systems, such as market regulation, social security and medical care, and improve basic information resources system for geography, population, legal person, finance, taxation and statistics, strengthen the integration of information resources, regulate collection and distribution, and strengthen integrated social development and utilization.

Section 3 Strengthening network and information security

Improve laws and regulations on network and information security, the system of standards, and the system of certification and authentication for information security. Implement information security rating protection, risk assessment and other relevant systems. Accelerate the demonstration and extension of key secure and controllable software and hardware, strengthen information network monitoring and control capabilities, and ensure the security of basic information networks and key information systems. Promote the construction of information security and secret protection infrastructure, and build an information security and secret protection system. Strengthen Internet management, and ensure national network security and information security.

Chapter 14: Promote the development of marine economy

Develop and implement a marine development strategy based on unified sea and land planning, and improve marine development and control capabilities.

Section 1 Optimizing the marine industry structure

Plan the development of the marine economy scientifically, exploit and utilize marine resources rationally, develop marine oil and gas, marine transport, marine fishing and coastal travel industries greatly, and expand marine biopharmaceutical, integrated seawater utilization, marine engineering equipment manufacturing and other rising industries. Strengthen the R&D of basic, proactive and critical marine technologies, improve marine technology level, and improve marine development and utilization capabilities. Deepen the integration of port and coast resources, and optimize port layout. Develop and implement marine master plans, optimize the spatial layout of the marine economy. Carry out trials of marine economy development in Shandong, Zhejiang and Guangdong Provinces.

Section 2 Strengthening integrated marine management

Improve the marine management mechanism through enhanced coordination. Strengthen sea area and island management, improve the market mechanism for sea area use rights, promote the protection and utilization of sea islands, and support the development of remote seas islands. Make unified planning of marine environmental protection and land-based pollution, and strengthen the protection and recovery of the marine ecosystem. Prevent the overexploitation of offshore resources, strengthen reclamation management, and regulate the utilization of unoccupied sea islands strictly. Improve the marine disaster relief system, and strengthen the handling capability of marine emergencies. Strengthen integrated marine surveying and mapping, and carry out polar and oceanic scientific investigation actively. Improve maritime laws, regulations and policies, and enhance marine law-enforcement to maintain the order of exploitation of marine resources. Strengthen bilateral and multilateral marine affairs negotiation, participate in international marine affairs actively, ensure the safety of marine transport channels, and maintain our country's marine rights and interests.

Part IV: Creating the environment necessary for extensive development in the services industry

We will promote the extensive development of the services sector as part of the optimisation of the industrial structure and upgrading of strategic priorities. To do this, we will create a favourable policy and institutional environment, explore new areas, promote the development of new business formats, cultivate new tourism hot spots and a larger range of services, promote branding, business internet usage, and continuously improve the quality and scope of the services industry.

Chapter 15: Accelerating the development of production services

We will deepen the professional division of labour, accelerate innovation in services products and services models, promote the merging of production services and the advanced manufacturing industry, and promote the accelerated development of production services.

Section One Orderly expansion of the financial services industry

We will serve the real economy, prevent systemic risk and encourage orderly development and innovation of financial organisations, products and services, to raise the overall quality of the financial services. We will bring into play the comprehensive service functions of large financial institutions, and actively develop small and medium sized financial institutions. Focusing on micro-enterprise development, we will promote scientific innovation, the development of a green economy, support cross-border operations of enterprises, and develop new service formats such as online trading, as well as innovative financial products and service models. We will better bring into play credit financing, securities, trusts, wealth management, leasing, guarantees, online banks and other asset allocation and financial services functions. The financial infrastructure construction will be strengthened, and financial markets' registration, management, trading and settlement systems will be improved. We will expand the field of insurance services, and actively develop liability insurance, credit insurance, explore the development of catastrophe insurance and innovative ways of insurance marketing, regulate development of the insurance intermediary market and promote construction of the reinsurance market, as well as establish and improve the insurance services system.

Section Two Vigorously develop the modern logistics industry.

We will accelerate the establishment of social, professional, information-based modern logistics system, vigorously develop third-party logistics, prioritise the integration and use of existing logistics resources, support the construction and linking-up of the logistics infrastructure, improve logistics efficiency and reduce logistics costs. We will promote agricultural products, bulk mineral products, key industrial areas and other fields important to the development of logistics. We will optimize the development of regional distribution systems, and support the orderly development of logistics parks and other cluster areas of logistics. We will promote the development of modern logistics management, and improve the sophistication and standardization of logistics.

Section Three Fostering the growth of high-tech services

With a focus on high-tech extension services and professional services related to support technology innovation, we will greatly develop the high-tech services sector. The development of the research and development industry will be accelerated, and the transformation of industrial design from simple exterior design to high-end integrated design services will be promoted. We will strengthen information services, enhance the application level of software development, the development of information systems integration services, internet value-added services, information security services and digital content services, and develop the Geographic Information Systems industry. Furthermore, we will actively develop inspection and testing, intellectual property rights, and science and technology achievements as well as other science and technology support services. We will cultivate the development of a number of high-tech services, key enterprises and famous brands.

Section Four Regulation to enhance business services

We will push for the development of accounting, auditing, taxation, engineering consulting, certification and accreditation, credit evaluation, brokerage, management consulting, market research and other professional services. We will actively advance the services of lawyers, notaries, forensics, economic and trade arbitration and other legal services. We will accelerate the development of project planning, mergers and

acquisitions, financial advisory and other business management services. We will regulate the development of personnel agencies, personnel recommendations, personnel training, staffing and other human resources services. To support advertising, the healthy development of the conventions and exhibitions industry will be encouraged.

Chapter 16: Vigorously developing the life services industry

For urban and rural residents, we will enrich the range of services, expand service provision and improve service quality to meet diverse needs.

Section One Optimize the development of business services

Optimization of urban supermarkets, shopping malls, wholesale markets and other business outlets structure and distribution will be driven forward. We will endorse convenience stores, small supermarkets, local food stores and related local development projects. We will encourage and support chain operations, logistics, e-commerce and other modern methods of distribution extending to rural areas, we will also improve rural services networks, support links between large-scale supermarkets with rural cooperation organisations, and reform and upgrade agricultural wholesale markets and farmers markets. We will guide the development of healthy regulations in the accommodation and catering industry and support the development of internationally competitive large-scale trade and business enterprises.

Section Two Active development of tourism

We will comprehensively develop domestic tourism, actively develop inbound tourism, and encourage the orderly development of outbound tourism. Equal emphasis is put on both protection and development of tourism resources. We will strengthen the tourism infrastructure, and promote major tourism sites and construction of tourism routes. We will encourage the development of the tourist industries' defining characteristics and product diversification; we will comprehensively promote eco-tourism, encourage in-depth development of cultural tourism, and rigorously develop red tourism. We will improve the tourism service system, strengthen the industry's self-regulation and integrity construction, and improve the quality of tourism services.

Section Three Encourage the development of domestic services

For services to support families and provide an important foundation for local communities, we will focus on the development of house-keeping services, pension services, nursing services and similar services. We will also encourage the development of home care services for persons with disabilities, actively develop community care centres and specialized pension services, and according to local conditions develop domestic services distribution, family education and other specialised services, and further the formation of multiple levels and forms of domestic services markets and business operators. We will accelerate the construction of domestic services non-profit information platforms. Market supervision will be strengthened and the domestic services market will be standardised.

Section Four Comprehensive development of sports facilities and the sports industry

There will be vigorous development of public sports and improvement of public sports facilities. We will launch a national fitness programme, improve national and

especially youth awareness of physical fitness and health. We will continue the fitness programme for the rural population. We will optimise the competitive sports structure and improve the overall strength of competitive sports. We will further develop fitness and recreational sports, sports competition and performance markets, and advance sporting goods, sports agents, venue operators and other intermediary services, to promote the coordinated development of sports facilities and the sports industry.

Chapter 17: Creating a favourable environment for the services industry

By opening up we will further reform and through enhancing competition we will further development. Therefore, service systems innovation will be promoted, the service policy system will be improved, and the developmental environment for services will be optimised.

Section One Accelerate the reform of the services sector

We will establish fair, standardized and transparent market access standards, remedy sector fragmentation, regional blockades and industrial monopoly, expand the opening of the services sector, encourage and guide various types of capital investment in the services industry, vigorously develop a range of forms of service enterprise ownership, and establish an integrated, open, competitive and orderly services market. We will deepen organisations and institutions logistics related social reform. We will explore market managing methods suitable for new types of services format development. The pilot scheme for comprehensive reform of the public services will be advanced and we will explore institutional mechanisms and effective methods for accelerating development benefitting the services industry.

Section Two Improve services related policy

We will implement the regulation that encouraged types of service sectors may purchase electricity, water, gas and heat at the same price as the industrial sector does. We will expand the supplies granted to the services sector and the services sector will have priority in using land which is no longer claimed by industry. Combined with value-added tax reform, the tax system of production services will be reformed. The financing channels for service sector enterprises will be broadened and the public financing and issuing of bonds of eligible enterprises will be supported. We will expand the product range of government procurement services. We will establish and improve services standards systems. We will support service enterprises' brand and network building. The distribution of service industry development will be optimised and the formation of metropolises will be promoted for the industrial structure of the service economy.

Part V: Optimizing the structure, accelerating the coordinated regional development and sound urbanization development

Chapter 18: Implementing the overall strategy on regional development

(Summary)

1. Promoting a new round of large scale of development of the western region. It should be given the priority and special policy support. Strengthen the infrastructure construction; build several key project of water conservation. Strengthen the ecological construction. Building national important energy, strategic resources providing region and industrial gathering area, develop characteristic agriculture and tourism.
2. Comprehensively revival the old industrial base of northeastern region. Promote industrial upgrading and energetically develop the service sector of finance, logistics and tourism. Deepening the SOE reform, consolidate the national grain strategic base, promote the restructure of resource-exhausted region.
3. Vigorously accelerate the rise of central region. Consolidate the national important grain production base, energy and raw material base, build modern equipment manufacturing and comprehensive transportation center. Promote the agglomeration of industry and population, strengthen the connection with surrounded city chain.
4. Actively support the leading position of eastern region development. Participating international cooperation and competition in higher level, fostering the development of emerging strategic sector, modern service sector and advanced manufacturing. Promote the institutional innovation, first to improve the socialism market economic system.
5. Greater support to the development of old revolutionary base areas, ethnic minority areas and border areas.

(Full translation)

Give full play to comparative advantages in different areas, and promote the rational flow of factors of production, deepening regional cooperation and promote the development of regional interaction, and gradually narrow the development gap between regions.

Section 1 Push forward a new round of Western Development

Adhere to the depth of the western development strategy on priority of overall regional development strategy, and to give special policy supports. Strengthen infrastructural construction, expand network of railways, civil aviation, water transportation, build a number of key water main water hydro station, accelerate to push forward the oil and gas pipelines and main electricity transmission and networks projects. Strengthen environment protection, strengthen geological disasters prevention, promote construction of key ecological function areas, continue to implement key ecological projects, and build the national ecological security barrier. Take advantage of resources, implement market-oriented advantage resources transmission strategy, arrange a number of resource development and deep processing projects in the resource-rich regions, build continuous places of national important energy and strategic resources and industries gathering areas, develop advantage industries such as characteristic agriculture and tourism. Vigorously develop science and education, enhance self-development. Support the development of Wenchuan and other disaster areas. Adhere to stringing points with line and driving area with point, promote Chongqing, Chengdu, Xi'an regional strategic cooperation, promote development of economic zones such as Hohhot Baotou Bao Hubei Yu, Guangzi North Bay, Chengdu Chongqing, middle area of Guizhou, middle area of Yunnan,

middle south area of Tibet, Guanzhong-Tianshui, Lanzhou-Xining, Ningxia along Huangshan and Tianshan mountains, foster new economic growth points.

Section 2 Comprehensive Boom the Old Industrial Bases such as Northeast Region

Take advantage of strong industrial and technological base, improve the modern industrial system, promote upgrading of the advantage industries such as equipment manufacturing, raw materials, automobiles and agricultural products deep processing, etc, Vigorously develop service industries such as financial, logistics, tourism and software and outsourcing industries. Deepen the reform of state-owned enterprises, speed up the reform of collective corporate owned by factories and the disposal of 'debt turn to share' assets, vigorously develop non-public economy and SMEs. Speed up the transformation of agricultural development, build a solid national food strategic base. Focus on protection of black land, wetland, forests and grassland, promote the ecological protection and economic transformation of Daxinganling Xiaoxinganling and Changbai mountains. Promote transformation and development of resource depletion areas, enhance sustainable development capacity of resourced cities. Co-ordinately promote the transformation of old industrial bases nationwide. Focus on the regional development of Liao Ning coastal economic belt, Shenyang economic zone, Chang Ji Tu economic zone, Ha Da Qi and Mu Sui areas.

Section 3 Vigorously Promote the Grow-Up of Central Region

Exerting the advantages of linking the east and west, strengthen competitive industries, develop modern industry system, consolidate to enhance the position of national important grain manufacturing base, energy resources base, modern equipment manufacturing and high-tech industry base and integrated transport hub. Improve investment environment, undertake an orderly transfer of the eastern region and international industry. Enhance recourse efficiency and recycling economy development level. Strengthen the comprehensive management of major rivers and lakes. Further refine and implement the policies of boom old industrial base and the western development policies. Speed up the construction of the economic belts along Longhai, Jingguang, Jingjiu and Changjiang river, promote agglomeration of population and industries, strengthen the abutment joint and connection with surrounding cities. Focus on promoting the development of Tianyuan city group, Wanjiang city belt, Boyanghu Lake ecological economic zone, the central plains economic zone, Wuhan city circle, Chang-Zhu-Tan city circle group, etc.

Section 4 Actively support East Region to Take the Lead in Development

Exerting leading and supporting role of the eastern area to the national economic development, in a higher level participate into international cooperation and competition, behave as a pilot in the reform and opening up, step in the forefront of the country and the transformation of economy development, economic restructuring and innovation. Focus on enhance the construction of national innovation cities and regional innovation platform. Focus on cultivating industrial competitive advantage, speed up the development of strategic emerging industries, modern service industries and advanced manufacturing industries. Focus on promoting system innovation, takes the lead to improve socialism market economy system. Focus on enhancing sustainably development capacity, further improve resource usage efficiency of energy, land, and sea, strengthen environmental pollution regulation, and resolve the bottleneck problem of resource and environment. Promote development of integration

of Jing Jin Ji, Changjiang River Delta, Zhujiang River Delta areas, create the capital economic circle, focus on promoting the development of Hebei coastal areas, Jiangsu coastal areas, Zhejiang Zhoushan islands districts, West Coast economic zone, Shangdong peninsula blue economic zone, etc, and build Hainan international tourist island.

Section 5 Increase the Support Efforts to the Development of Old Revolutionary Base Areas, Minority Nationality Regions, border areas, and poverty areas

Further increase the supports efforts, strengthen infrastructural construction, strengthen ecological protection and restoration, improve public services, and practically improve the living conditions in the western region. Continue to implement policy to support the development of old revolutionary base areas. Implementation policies to support development of minority nationality regions, vigorously promote Tibet, Xinjiang and other minority nationality regions, give aid to development of small population nationalities. Further push forward the action of booming the border area and enriching the people, inland border areas enjoy the Western Development policies, support border trade and development of ethnical urgently needed commodities. In the southern region, the eastern margin of Qinghai-Tibet plateau , Wuling mountains, Wumengshan mountains, western Yunnan mountains border, Qimbashan-Liupanshan mountains and other special poverty middle western areas, implement poverty alleviation and development projects, increase the efforts of pursuing poverty alleviation by development of industry and ex situ relocation. Support the construction and development of Xinjiang Production and Construction Corps. Promote the follow-up development of the Three Gorges reservoir area. To the public welfare projects that the Central arranged for the 'Old, Minority, Border, Poverty' areas, cancel the county level and gradually reduce the municipal matching funds. Implement regional mutual aid policy, carry over various one-for-one support.

Chapter 19: Implementing the strategy of major function regions

(Summary)

1. Optimize the development structure of national land and space. Coordinate the population distribution, economic structure, national land utilization and urbanization, guide the population and economy agglomerate in the regions where suit for development, protect agricultural and ecological development, promote the balance between population, economy, resources and environment. Optimize the development of urbanized region which have dense population, intensive development and heavy constraints of resources and environment. Focus on the development of urbanized region which have better condition for economic and population agglomeration and a stronger carrying ability of resources and environment. Protect the grain production base to safeguard the security of food supply. Restrict the industrialization and urbanization in major ecological region. Prohibit the exploration of the protected area of nature and culture resources.
2. Implement regional policy of category management. Form the related laws and regulations. The central budget should gradually increase the transfer to the major grain production region, ecological region. The investment strategy should fit the

- Major Function strategy. Implement differential land management policy and environment standard.
3. Implement differentiated assessment. For optimized region, evaluate the economic structure, technological innovation, resources utility and environment protection. For Major development region, evaluate economic growth, industrial structure, quality and efficiency, energy conservation and emission reduction, and population attraction. For restricted region, evaluate the agricultural production and ecological protection, but not the GDP and industrial indicators. For prohibited region, evaluate the protection performance.
 4. Establish and improve the transition mechanism. Improve regional development, key projects planning according to the Major Function strategy. Study and formulate the index of development and environment for different region.

(Full translation)

According to the rational layout requirement of the national economy, standardize space development order, control space development intensity and form the high-efficient, harmonized and sustainable space development structure.

Section 1: Optimize the national space development structure

Plan China's population distribution, geographical distribution of the different sectors of the economy, territory utilization and urbanization pattern in a unified way, lead the population and economy to concentrate to the areas that are suitable to development, protect the agriculture and ecology development space, promote the harmonization of population, economy and resource environment. Optimize development in the region where population is dense, land development density is already high and resource environmental bearing capacity is heavy. Key development in the region where resource environmental bearing capacity is relatively strong and economic and population concentration condition is relatively good. Strongly ensure the safe supply of agricultural products in the main agricultural production zone where the agriculture production condition is good, and provide agricultural products as its principle function. Limit the large-scale and high-density industrialization and urbanization development in important ecological functional zone which is related to the ecological safety in the country or greater regional ranges. Prohibited development in various nature and culture reserve areas established legally, and other areas where special protection is needed.

Section 2: Implement Classified Management Regional Policy

Basically form the laws, regulations and policies which can meet the requirement of principle function area, perfect the interests compensation mechanism. The central finance shall increase the financial transfer payment, year by year, to main production area of agricultural products, and key ecology function area, especially the Midwest key ecology function area, increase the protection ability to basic public service and ecologic environment. Provincial government shall perfect the financial transfer payment policy to lower government. Implement the government investment policy which is combining the arrangements that are in accordance with the principle function area and in accordance with sector. The investment which is arranged according to the principle function area will be mainly used to support the development of key ecology function area and main production area of agricultural

products. The investment which is arranged according to the sector shall fit the principle function orientation and development direction of each area. Modify and perfect the current industrial guidance catalogue, clarify the encouraged, limited and prohibited industrial for different principle function areas. Implement the differential land management policy, scientifically set the different land using scale, and carry out strict land use control. Implement different pollutant emission volume control and environment standards to different principle function area. Perfect the policies regarding agriculture, population, nationality and responding to climate change.

Section 3: Implement differently-stressed performance evaluation and achievement evaluation

On the basis of strengthening the evaluation of ability of providing basic public service in all types of areas and the evaluation of increased sustainability, according to the different principle function orientations of different areas, implement differential evaluation and examination. To the optimized development urbanized area, we shall strengthen the evaluation of economic structure, technical innovation, resource consumption and environment protection etc. To the key development urbanized area, comprehensively evaluate economic growth, industrial structure, quality benefit, energy saving and emission reduction, environment protection and population absorptive capacity etc. To the limited development area of main production area of agricultural products and key ecology function area, implement respectively the agriculture development preferential and ecology protection preferential performance evaluation, not evaluate the GDP and industries. To the prohibited development zone, comprehensively evaluate the protection situation of the authenticity and completeness of the natural and cultural resources.

Section 4: Establish and perfect the cohesion coordination mechanism

Play the strategic, fundamental and binding role of national principle function area in the aspect of national land and space development. According to the requirement of promoting the formation of principle function area, perfect the regional planning, complete the coordination of specific project planning, key project planning and principle function area. Advance the cities and countries' space planning, fix the regional principle function orientation; clarify the layout of function areas. Study and draw up obligatory targets of development density, environmental capacity for various principle function areas, and timely implement. Perfect the national spatial dynamic monitoring and management system which should be covering the whole country, coordinating cohesively, and updating in a timely manner, carry out the tracking evaluation to principle function areas' construction.

Chapter 20: Actively and steadily promote urbanization

(Summary)

1. Establish the strategic planning for urbanization. Respect the development rule of city, promote the coordinated development of cities and counties. In the east region, build a city group which has better international competitiveness. Foster and strengthen various city groups in the central and western region. Strengthen the industrial function of small and medium sized city, strengthen the public service and living function of counties.

2. Steadily promote the rural residents becoming urban residents. It is the major task for urbanization, fully respect farmer's choice, protects their interest of their land. Mega cities should control its population scale, big and medium cities should strengthen and improve population management, attract more population, small and medium cities and counties should encourage relax their conditions of Hukou. Meanwhile, public service and interest protection should be strengthened for migrant workers who don't have the qualification to have a city Hukou.
3. Strengthen the comprehensive carrying ability of cities and counties. Standardize the construction of new township, increase the density, optimize the landing using structure, and prevent the overall expanding of mega cities. Deepening the investment and financing reform of city construction, issue bonds for city construction. Strengthen comprehensive management.

(full translation)

Chapter 20 Promote the Sound Development of Urbanization

Optimizing urbanization layout and form, strengthening urbanization management, keeping on enhancing the urbanization quality and level.

Section 1. Forming strategic layout of urbanization

According to the principle of unified planning, rational layout, perfecting functions and pushing forward the small ones by developing the big ones, and following the objective rules of urban development, depending on big cities and focusing on small cities, gradually forming urban agglomeration with radiation effects and foster the coordinated development of large, middle and small cities as well as small towns. Building strategic layout of urbanization by taking the road bridge channels and border long river channels as the two horizontal axes, and the sea border, Jing Ha Jing Guang and Bao Kun channels as the three vertical axes, depending on numbers of cities on the axes, and other urbanized areas and cities as important integral parts, so as to foster economic growth and the extension of market spaces from east to west and from south to north.

Gradually building urban agglomeration with international competitiveness in eastern areas, breeding and developing numbers of urban agglomeration in middle western areas of which the conditions are mature. Scientifically programming the function positioning of cities in the urban agglomeration, relieving the pressure of the central districts of super cities, strengthening the industrial functions of middle and small cities, heightening public service functions and residential functions of small towns, pushing forward the unified construction of infrastructures and internet development of large, middle and small cities. Actively digging out the development potential of middle and small cities, giving priority on developing middle and small cities that have obvious regional advantageous and stronger resource and environment capacity. Developing small towns with focus, gradually developing central towns of eastern areas, county towns of middle west areas and important border ports that has certain conditions into middle or small cities.

Section 2. Steadily pushing the diverted agricultural population's transformation into town population

Taking the change of diverted agricultural population into town population as the important task of pushing forward of the urbanization. Fully respect the freedom of farmers on choosing if they would like to head for the towns or stay in the countryside, faithfully protecting legal rights, such as the rights of contracted lands and housing lands of farmers. By keeping on the method of providing treatment in accordance with local conditions and pushing forward the progress step by step, to transform immigrant workers that have established stable labour relationship and have worked in the town for certain years into town citizens. In super large cities, the population should be controlled rationally. In large and middle sized cities, the population management should be strengthened and improved, so as to keep on exerting the important role of absorbing migrant population. In middle and small cities as well as small towns, the conditions of population transformation should be broadened according to the real situation. Encouraging different areas or districts to explore related policies and measures, so as to define the scale of the population being transformed.

For the migrant workers who do not fulfil the conditions of the being registered in towns temporarily, the public service to them should be improved and the rights protections should be strengthened. Children of migrant workers should enjoy the equal rights to compulsory education, and the continuity or connection between middle school and high school should be well handled. These tasks should be mainly shouldered by the primary and middle schools of the cities or towns that have received the migrant workers. The migrant workers who have established stable labour relationship with enterprises should be included into the basic retirement insurance and medical insurance of township workers. Establishing basic training and allowance systems for migrant workers, pushing forward the general coordination in provincial level regarding the capital management for the trainings of migrant workers. Improving the residential conditions of migrant workers through multi-channels and multi-formalities, encouraging bringing qualified migrant workers into the housing guarantee systems of the towns by adopting various methods

Section 3. Increasing the comprehensive bearing capacity of cities and towns

Sticking to the principles of people foremost, land and energy saving, biological environment, safe and practical, focusing on characteristics, and culture and natural heritage preserving, scientifically working out the city plan, perfecting standards of city construction, strengthening the sanction effects of the city plan. Rationally define the borders of the city development, regulating the construction of the new towns and districts, enhancing the population density of the newly constructed districts, adjusting and optimising the using structures of lands used for construction projects, preventing the over expansion of super large cities. Preventing and curing the “city disease”.

Overall planning the construction of public facilities in both up-ground and under-ground lands, comprehensively increasing the levels of transportation, telecommunication, electric power, heating, gas, drainage, waste water and garbage disposal infrastructures, and increasing the disaster prevention capacity. Enlarging green areas and public exercising spaces of cities, speeding up the construction of public culture and sports facilities. Pushing forward the reconstruction of the city villages and suburbs. Strengthening the supervision of the construction markets,

standardizing orders of the construction markets. Deepening the reform on investment and financing systems of city construction, issuing bonds of city construction projects. Strengthening comprehensive management of cities. Pushing forward the construction of digital cities, enhancing the service levels on informationalization and subtilization. Attaching importance to culture continuity and protection, and improving humanistic environments of cities.

Graph 4 “Two horizontal and three vertical” strategic layout of urbanization



Part VI: Green development, construct energy conservation and environment friendly society

We will confront increasing resource and environmental restrictions, thus crisis awareness should be enhanced. We will establish green and low carbon development ideas and focus on energy conservation and emission reduction, improve incentives and constraint mechanisms, and stimulate the establishment of resource-saving and environmentally friendly production and consumption to strengthen sustainable development and improve ecological standards.

Chapter 21: Actively cope with global climate change

Unit One: Control Greenhouse gas emissions

Unit Two: Increase adaptability to climate change

Unit Three: Launch wide ranging international cooperation

Summary:

We will positively respond to global climate change. Massive reductions in energy consumption intensity and carbon dioxide emissions should be regarded as binding

targets to efficiently control greenhouse gas emissions. This plan will reasonably restrict energy consumption, decrease the growth of industries with high energy consumption, and increase energy efficiency. The plan will strengthen energy conservation assessment responsibilities, complete energy-saving regulations and standards, improve market mechanisms and implement pivotal energy-saving projects. It will popularize advanced energy-saving technologies, accelerate the application of the Energy Management Contract, and pay adequate attention to industries such as construction and transportation. We will revise energy consumption structures and increase the use of non-fossil energy resources as well as increase forest cover, volume, and carbon sequestration. We will increase adaptability to climate change, with special attention to the reaction to extreme weather. This plan will establish and improve the statistical monitoring system of greenhouse gas emissions and energy saving and emission reductions, devote more efforts to climate change research, accelerate low carbon application and research, and establish a carbon emission trading market. In addition, it will persist in common but differentiated principles of liability and vigorously launch international cooperation in response to global climate change.

We must attach equal importance to slowing down and confronting global warming, we must give free rein to the advancement of technology, we must perfect system mechanisms and policy systems and improve our capacity for dealing with climate change.

Unit One: Control Greenhouse gas emissions

We must carry out comprehensive adjustments to the composition of the industrial and resource structures, save energy and improve energy efficiency and increase forest carbon sinks, amongst several other measures. We must significantly reduce the intensity of our energy consumption and CO₂ emissions, as well as effectively regulate greenhouse gas (GHG) emissions. We must rationally regulate our total energy consumption levels, carry out serious management of resource usage, accelerate the formulation of resource development plans, clarify total regulatory targets and define a workable mechanism. We will promote the planting of trees and forestation to increase the national forest-cover area to 12.5 million hectares. We will accelerate research, development and application of low carbon technologies and regulate GHG emitting sectors such as industry, construction, transportation and agriculture. We will look into creating low carbon product standardisation, labelling and authentication systems, establish an effective system for calculating GHG emission statistics and gradually create a carbon emissions trading system. We will advance low carbon pilot projects.

Unit Two: Increase adaptability to climate change

We will formulate an overall national strategy for combating climate change and strengthen our scientific research and observation to influence our analysis of climate change. We will take climate change factors into full consideration when planning and creating industrial sector composition, basic facilities and large scale projects. By strengthening our response to climate change, we mean creating a capacity to cope with extreme climate incidents; accelerating and expanding technological research and development; and improving the levels of adaptation to climate change of certain

key sectors (such as agriculture, forestry and water resources) and certain areas (such as by the coast and fragile ecosystems). We must enhance monitoring, advance reporting and prevention of extreme weather and climate incidents, and we must improve our capacity to guard against and alleviate natural disasters.

Unit Three: Launch wide ranging international cooperation

Adhering to the principle of common but differentiated responsibilities, we will actively participate in international negotiations and promote the establishment of a fair and reasonable international system for confronting climate change. We will strengthen international exchange and strategic policy dialogue on climate change. We will also develop pragmatic cooperation in areas like scientific research, technology research and development and capacity building, as well as push for the establishment of an international cooperation platform and management system for funding and technology transfer. We will provide help and support to developing countries in confronting the challenges of climate change.

Chapter 22: Strengthen energy conservation and management

We will strengthen energy conservation management. We will formulate and implement limits on energy consumption per unit of production in energy-intensive industries and energy efficiency standards for the end-use of energy-consuming products. We will strictly enforce the system for assessing and examining energy savings in investment projects.

Unit One: Vigorously enforce energy conservation

Four key areas for energy conservation:

- 1) Energy-saving conversion projects
- 2) Energy-saving projects that benefit the people
- 3) Demonstration of energy-saving technologies in industry
- 4) Promote energy performance contracting

Unit Two: Enhance water resource conservation

Unit Three: Conserve and intensify land usage

Unit Four: Enhance exploration, protection and rational development of mineral resources

Summary:

We will emphasize resource conservation and management. We will fulfill conservation priority strategies and fully implement the controlled use of resources, two-way regulation from both the supply and demand sides and differentiated management. We will reinforce the geological survey of energy and mineral resource conservation while legitimately developing and integrating strategic areas for energy and mineral resources, and installing critical mineral resource reserve systems. Land management systems should be further improved. We will strengthen annual planning and monitoring, formulate land conservation standards and reinforce evaluation of land use and conservation. We will pay adequate attention to water safety in order to build a water-saving society by setting up water resource allocation systems and enhancing water resource management and paid utilization. Desalination technology

should be highly encouraged. Groundwater exploitation should be rigorously restricted.

Chapter 23: Vigorously develop circular economy

Unit One: Implement circular production methods

Unit Two: Enhance the circular use of resources and recycling system

Unit Three: Popularize the green consumption model

Unit Four: Strengthen policy and technical support

Seven key areas for circular economy key project:

- 1) Comprehensive use of resources
- 2) Demonstrate a recycling system for old waste products
- 3) 'City Mineral Resource' Pilots
- 4) Industrialize remanufacturing industries
- 5) Exploit kitchen waste resources
- 6) Transform Industrial/Economic Zones to the circular model
- 7) Promote the demonstration of circular resource techniques

Summary:

Vigorously develop the circular Economy. We will aim to improve the output efficiency of resource utilization, strengthen planning guidance, support fiscal and monetary policies, perfect the laws and regulations, implement extended producer responsibility and propel all links between production, circulation and consumption. We will speed up the development of the resource recycling industry, comprehensively utilize mineral resources, encourage the recycling of industrial waste, upgrade recycling systems and waste separation and recovery of renewable resources, and advance the industrialization of renewable resource recycling. We will encourage low carbon consumption models and lifestyles among the people and government. Our development model should adopt resource reduction, recycling, remanufacturing, zero emissions and industry links and popularize the classical recycling economic model.

Chapter 24: Intensify environment protection

Unit One: Enhance the reduction and administration of pollutant emissions

Unit Two: Take precautions on environment risks

Unit Three: Enhance environmental supervision

Four Key areas of environment governance projects:

- 1) The construction of waste (sewage and rubbish) treatment facilities
- 2) Restoring environmental health to rivers and lakes
- 3) Hazardous waste and soil pollution
- 4) Heavy metal pollution prevention and control

Summary:

Enhance environmental protection intensity. We will prioritize solutions for those lacking access to drinking water as well as air and land contamination which

adversely affect people's health. We will enhance comprehensive governance and improve the environment. This plan will assign target responsibilities for emissions reduction and strictly control the discharge of pollutants. In addition, we should expand our control of major contaminants. The construction of waste (sewage and rubbish) treatment facilities should be accelerated. The prevention of sewage leaking into major river basins should be emphasized. We will limit air and noise pollution, strengthen the regulation of heavy metals, hazardous waste, and soil pollution. We must develop a regulatory capacity for nuclear radiation. We will implement standards for pollutant discharge and emissions and evaluate their effect on the environment as well as strengthen the supervision of law enforcement and complete the accountability system for accidents and natural disasters. Coordinate environmental protection technology and economic policy and set up a polluter-pays system. Diversified financing mechanisms should be well-established to further develop environmental industries.

Chapter 25: Accelerate ecological protection and repair

Unit One: Establish an ecological safety barrier

Unit Two: Strengthen ecological protection and management

Unit Three: Establish ecological compensation mechanisms

Summary:

This plan will improve protection against natural disasters and mitigate their consequences. We will reverse the trend of ecological degradation from the grassroots by implementing major ecological restoration and bolstering natural forest conservation and reforestation. We will also comprehensively deal with desertification and soil petrification and preserve grasslands and wetlands. In addition, this plan will accelerate the establishment of ecological compensation mechanisms and the protection of major ecologically functional areas. It will reinforce water and soil conservation by promoting sand consolidation. Biodiversity should be preserved.

Chapter 26: Strengthen the construction of water conservation and disaster prevention and mitigation system

Unit One: Improve the water supply protection capacity

Unit Two: Enhance high flood control capacity

Unit Three: Strengthen forecasting, prevention and emergency response to extreme weather, earthquakes and natural disasters

Summary:

The construction of a water infrastructure to govern the tributaries of rivers and lakes enables high flood control capacity. We will accelerate the establishment of investigation and assessment systems in disaster-prone areas as well as developing a warning system, control system and emergency response system. The present plan will reinforce geographic disaster management in key areas, put together rescue teams, and raise the level of material support. It will also forge natural disaster risk evaluation and reasonably allocate production and living facilities in dangerous areas.

Part VII: Innovation driven, implementing the strategy of reinvigorating the country through science and education and the strategy of strengthening the country through human resource development

Chapter 27: Strengthen the capability of technological innovation

Chapter 28: Speeding up the reform and development of education

Chapter 29: Establish grand high-quality talent team

Part VIII: Improve people's wellbeing, establish and improve basic public service system

Take people's livelihood as a priority; improve employment, income distribution, social security, medical services and housing security to ensure and improve people's livelihood; advance equalisation of basic public services; and strive to share the fruits of China's development to benefit all Chinese people.

Emphasize the priority of people's wellbeing. Perfect the system arrangement on employment, income distribution, health and medical care, and housing etc. to ensure and improve people's wellbeing. Facilitate the equalization of basic public service. Endeavour to make all the citizens benefit from the development achievements.

Chapter 30: Improve basic public service

Fulfil the public service responsibility of the government, enhance the government's support capabilities, and gradually narrow the gap in basic public services between urban and rural areas.

1. Establish and improve the basic public service system

Clearly define the scope and standard of basic public services; secure expenditures for basic public services; strengthen the basic public service performance appraisal and administrative accountability; rationally divide up management powers of the central and local authorities; improve a basic service management system where the local governments play a leading role, with an integrated approach combining unified management and different levels holding different responsibilities.

Scope and key areas of basic public services during the 12th Five-Year Plan period

01 Public education

a) nine-year compulsory education free of charge; accommodation fees exempted in boarding schools in rural areas during the years of compulsory education; b) secondary vocational education free of charge for rural students, students from urban families in economic difficulties and students studying agriculture-related majors; c) subsidies provided to children from families in economic difficulties, orphaned and disabled children to receive pre-school education.

02 Employment service

a) provide employment info, consultation, referral, labour mediation and arbitration services to urban and rural labourers free of charge; b) provide basic vocational training free of charge to unemployed people, rural migrant workers, the disabled people, and new labourers; c) provide employment assistance to people with employment difficulties and zero-employment families.

03 Social security

a) urban employees and residents to enjoy basic pension scheme, and rural residents to enjoy new countryside social pension scheme; b) urban employees and residents to enjoy basic medical insurance, and rural residents to enjoy new countryside cooperative medical scheme; c) urban employees to enjoy unemployment insurance, work injury insurance and maternity insurance; d) provide urban and rural residents living in economic difficulties with minimum living allowances, medical assistance, funeral and internet assistance and other services; e) provide welfare services to special groups of people including orphaned children, disabled people, households enjoying the five guarantees (childless and infirm old persons who are guaranteed food, clothing, medical care, housing and burial expenses), and elderly seniors.

04 Medical and health service

05 Population and family planning

06 Housing security

a) provide low-rent housing to urban low-income families with housing difficulties; b) provide public rental housing to urban lower-middle-income families with housing difficulties.

07 Public culture

08 Infrastructure

09 Environmental protection

2. Innovate the ways of supplying public service

Reform the ways of supplying basic public service, introduce a mechanism of competition...

Promote the market-oriented reform of non-basic public service, further open up market access, encourage participation of social capital by various means...

Insist on the people-oriented and service-oriented principles. Discharge the government's public service duty, improve the maintaining ability of government. Gradually narrow the basic public service gap between urban and rural areas.

Section 1 Establish and improve the basic public service system

Clearly define the areas and standards of basic public service, facilitate the improvement of public finance system, secure the expenditure on basic public service, and strengthen the system of performance evaluation and administrative accountability of basic public service. Reasonably divide the management power of central and local governments. Improve the public service management system, which is led by local government and combines centralization and localization.

Column 17 – The areas and key points of basic public service during the 12th 5-year plan period.

1. Public education
2. Employment service
3. Social security
4. Health and medical care
5. Population and family planning
6. Housing assurance
7. Public culture
8. Infrastructure
9. Environmental protection

Section 2 Innovate the provision methods of public service

Reform the provision methods of basic public service, introduce the competition mechanism, increase the amount of purchased service, and diversify the types of service providers and service provision methods. Facilitate the market-oriented reform in the field of non-basic public service, widen the market access, encourage the participation of social capital through various channels, strengthen the multi-level provision abilities, and meet the diversified demand of the people.

Chapter 31: Implementing the strategy of 'employment as priority'

Take promotion of employment as a priority for economic and social development; improve the mechanism to combine self-selection of jobs by labourers, employment regulation by market and employment promotion by government; create equal employment opportunities; improve employment quality and strive to achieve full employment.

1. Adopt more active employment policies
2. Strengthen public employment service
3. Build harmonious labour relations

Promotion of employment will be highly prioritized at the economic and social development agenda, reinforce an integrated mechanism of independent job-choosing, market-regulated employment and government led employment, create equal job opportunities, raise the job quality and promote full employment.

Article 1 Implement a more active employment policy

Develop labor-intense and service industry as well as small and micro size service industry, adopt all possible measures to enlarge employment rate. Establish employment-friendly policies, such as tax-reduction, job allowance, vocational training allowance, social security allowance, etc, strengthen employment of graduates, migrant workers, and people with difficulty in urban areas. Encourage self-employment with a better developed micro-credit fund, financial allowance and in terms of operational space, and so on. Improve a system that promotes employment

throughout big government-invested projects. Develop employment aid policy; create more public-interest jobs via various channels. Encourage international labor cooperation.

Article 2 Improve public service to promote employment

Promote unified, regulated and flexible Human Resource market, improve rural and urban employment service system, and realize a nation-wide employment information database to provide quality service to laborer. Set up a vocational training system that serves all laborer. Increase the vocational training capacity and level. Enhance self-employment training. Develop unemployment statistic ability in both rural and urban areas. Establish an unemployment monitoring and early warning system, and start with employment needs forecast.

Article 3 Establish harmonious labor relations

Coordinate the three-party labor relation, promote the full potential of government, labor union and enterprise in terms of shaping a benefit sharing system between enterprises and employees. Push for labor contract system in a comprehensive way and to a larger scale. Strengthen the labor law enforcement, develop the mechanism of labor dispute settlement, improve labor dispute mediation and arbitration, intensify labor security supervision and law enforcement efforts to ensure the interests of workers.

Chapter 32: Appropriately adjust income and distribution

Uphold and improve the distribution system whereby distribution according to work is dominate and multiple forms of distribution exist side by side. Gradually raise the proportion of national income distributed to individuals, increase the proportion of wages in the primary distribution of income and reverse the trend of a widening income gap gradually.

1. Deepen reform of wage system

Improve the minimum wage system and the wage guideline system. Increase the minimum wage standard. Strengthen the dual controls on total wages and wage scales in some industries.

2 Improve the distribution system to allow factors of production such as labor, capital, technology and managerial expertise to have a justified share according to their respective contribution

3 Improve redistribution adjustment mechanism. Accelerate the establishment of the redistribution adjustment mechanism based on taxation, social security and transfer payment. Reduce the tax burden on low- and middle-income people.

4 Rectify and standardize the income distribution system. Protect legitimate income and ban illegal income. Rectify the non-wage income and non-monetary welfare of SOEs, government organs and public institutions.

Accelerate formation of a reasonable and orderly income distribution pattern; strive to increase the proportion of resident income in the distribution of national income; gradually reverse the trend of widening income gap.

1. Deepen the reform of salary system
2. Improve the system to take into account the key elements of capital, technology and management in distribution

Improve a transparent, fair and equitable public resources assignment system; establish a mechanism for all Chinese people to share the gains from assignment of public resources including land, sea areas, forest and minerals; gains from the assignment to be mainly used for expenditures on public services. Enlarge the scope of state-owned assets gains that should be handed in to the state; increase the percentage handed in, to be incorporated into public finance. Ensure the due proportion of technical achievements in income distribution. Establish and improve the system to determine salary according to operational and management performance, risks and responsibilities; strictly standardise the income of managers, especially senior managers, of state-owned enterprises and financial institutions in which the state holds a controlling stake.
3. Accelerate the improvement of re-distribution adjustment mechanism

Accelerate improvement of the re-distribution adjustment mechanism with taxation, social security and transfer payment as the key instruments.
4. Rectify and standardise the order of income distribution

Objective:

- Accelerate the formation of a reasonable and orderly Incomes Distribution system
- Enlarge the portion of resident's income in the distribution of national income as well as the portion of labor remuneration in the initial distribution
- Ameliorate the excessive disparities in wealth and unfair allocation and reverse the trend of a widening income gap

1. Deepening the wage system reform

Strengthen the wage payment guaranteeing system, raise the minimum salary standard, Establish the enterprise salary survey system and the salary information distribution system,

Reform the payroll management approach in the state-owned enterprise and adjust the payroll and salary standard in some industries aimed at reducing the widening gaps between urban and rural areas and among different industries. Perfect wage system for public servant

2. Improve the importance of capital, technological and directorial factors in distribution system

Establish public resource (forest, sea, land and mineral) revenue national sharing system; contribute the benefits mainly to public service.

Contribute a larger scope and portion of state-owned capital incomes to fiscal revenue Ensure the technological achievement get deserving consideration in income distribution

Establish a rational wage system and regulate the income and mission expense of senior managers in state-owned enterprise and State-owned holding company.

3. Accelerate the improvement of incomes redistribution mechanism

Adjust the personal income tax threshold and the personal income tax rate structure and enlarge the high-income group's tax .

Adjust the fiscal expenditure structure; raise the expenditure proportion for public service and social security, raise resident social incomes.

4. Regulate the distribution order

Perfect the law and regulations, strengthen the government management and the law enforcement to accelerate the establishment of a transparent and fair incomes distribution system.

Protect the legitimate income and ban illegitimate income, regulate the divers incomes in addition to salary in public institution and stated-owned enterprise.

Strengthen the Non-tax revenue management, ban and regulate divers' administrative fee and government funds and accelerate the construction of monitoring system.

Chapter 33: Improve the social security system which covered urban and rural residents

Objective:

- Stick to the strategy of social protection reform in China, notably **wide coverage, ensured basic benefits, multi-levels and sustainability**
- Accelerate the establishment of social security system, which will cover both urban and rural residents,
- Raise the level of social insurances steadily

1. Accelerate the improvement of social insurance system

- Achieve the full coverage of the new rural social pension insurance scheme
- Improve the pension insurance scheme for urban workers and non-working urban residents (reaching the basic pension insurance at provincial pooling level; reaching basic pension funds at national pooling level and accomplishing the portability of pension insurance)
- Promote gradually the effective interface/link between urban and rural pension schemes.
- Initiate the reform of pension scheme for civil servants and staff of public agencies
- Develop the enterprise annuity and occupational pension
- Improve the working injury insurance scheme (increasing coverage, raising benefit level, establishing an integrated working injury insurance system covering prevention, compensation and rehabilitation).
- Improve unemployment insurance and maternity insurance schemes.

Bring commercial insurance into play for its complementary role.

2. Strengthen the establishment of social assistance system

- Improve the urban and rural minimum living standard security systems
- Improve the dynamic adjustment mechanism of minimum living standard and increase the subsidy standard

- Strengthen the policy links between the urban-rural minimum living standards, minimum wage, unemployment insurance, and poverty reduction. Raise the support level of rural five guarantees
- Strengthen the special care and placement system
- Improving natural disaster system and temporary relief system

3. Active development of social welfare and philanthropy

- Enlarge gradually the scope and the benefit level of social welfare security.
- Improve social welfare service system by combination of family, community and welfare agency.
- Strengthen the welfare service for the disabled and the orphan.

Speed up the development of philanthropy through raising awareness, developing charities and putting the tax preference policy for public welfare donations into effect.

Chapter 34: Improve basic health care system

1. Strengthen the building of public health service system
2. Strengthen the building of urban and rural medical service system
3. Improve the medical insurance system
4. Improve the medicine supply system
5. Actively and steadily advance the reform of public hospitals
6. Support the development of traditional Chinese medicine

Key medical and health projects

01 Basic medical insurance system

02 Public health service system

03 Medical service system

04 Training basis for general practitioner doctors

05 Application of information technology in medical and health

system

In accordance with the requirements basic protection, grassroots strengthening and mechanism building, we increase the government investment, deepen the reform of pharmaceutical and healthcare system, set up and improve the basic medical and health care system, speed up the development of medical and health care, give a priority to meet the basic medical and health of urban and rural residents.

1. Strengthen the development of public health care system

We will improve the public health care network to prevent and control the outbreak of major diseases, increase the standard of average expenditure on basic public health services, expand the basic national public health service programme, implement major public health projects, strengthen the prevention and control of major communicable diseases as well as chronic, occupational, endemic and mental illness and enhance our capacity to respond to public health emergencies. We will gradually complete the construction of health service network in rural areas, move toward universal access to health education, implement the national health plan and make people fully aware of no smoking in public. The electronic health record will be put in place for 70% of

urban and rural residents. The mortality rate of pregnant and post-natal women will be decreased to 22/ 100,000, the mortality rate of infant will be decreased to 12‰.

2. Strengthen the construction of medical service system in urban and rural areas.

To have the county hospitals play the leading role, township and village hospitals serve as a basis, we will strengthen the construction of the three tiered county, township and village health service network in rural areas. Improve the new type of urban medical service system based on the community health service, increase medical care resources in favour of rural areas and urban communities. Accelerate the comprehensive innovation of primary medical care unit, set up multi-channel subsidies to facilitate a new operating mechanism. We will build up the ranks of basic medical service staffs, with the emphasis on cultivation of the general medical practitioner, perfect the incentive policies for them to work in grassroot level, the share of the general medical practitioner will reach 0.2 per 1000 persons. We will press forward the grading treatment and two way transfers system to create a situation in which all kinds of urban and rural medical institutions can benefit from division of labor and coordination of work. We will improve the regional health planning, encourage and guide the nongovernmental investors to establish medical institutions in order to form a diversified hospital running system.

3. Improve medical insurance system

We will improve the basic medical insurance system covering urban and rural residents, promote the development of basic medical insurance systems for urban workers and residents, new type of cooperative medical care system in rural areas and medical assistance. Gradually increase the fund raising standard, level of guarantee and minimize the gap of urban medical insurance and rural cooperative medical care. Increase the maximum payment and in-patient pay scale of medical insurance systems for urban workers and residents and new type of cooperative medical care system in rural areas to promote out-patient management. We will work out methods for connecting each system, integrate resources and raise the level of management step by setup, realize the transformation and continuity of the medical insurance and remote settlement of expenses for medical treatment. We will promote immediate settlement of basic medical expenses and innovate the means of payment. Commercial medical insurance will be actively developed the as a supplementary to the medical insurance system.

4. Improve the drug supply guarantee system

We will put in place a sound system to guarantee supplies of basic drugs based on the national system. We will fully implement the national system for basic drugs at the primary level and gradually equip to its utmost and preferentially use the basic drugs in other medical institutions. Establish dynamic list adjustment system of basic drugs, improve the systems of both price formation and dynamic adjustment, and increase the actual reimbursement level. Strengthen the drug producing oversight, overhaul the distribution order of the drugs, standardize the concentrated drug procurement and drug safety of medical institutions.

5. Actively yet prudently push forward the reforms of the public hospital

Adhered to the non-profit nature of the public hospital, we will actively explore the effective ways that institutions stop performing government functions, that supervision be separated from day to day operations, that healthcare be separated from pharmacy and that for profit institutions be separated from non-profit ones. Accelerate administrative system of modern hospital, establish scientific and reasonable system for selecting and employing personnel and system for distribution. Reform the subsidy system for public hospital and actively press forward the reform on means of payment. In light of patient centred spirit, we will strongly improve the internal management of public hospital, optimize the service process, and standardize the diagnosis and treatment in order to make it convenient for communities. Advance the system whereby the registered doctors are allowed to work in more than one practice, establish standardized training system for residents, close attention should be paid to mobilize the activity of medical staff.

6. Support the development of Traditional Chinese Medicine.

We will attach equal importance to Traditional Chinese Medicine and Western Medicine, develop the functions of treatment and preventive health care of Traditional Chinese Medicine and advance its inheritance and innovation, we will also pay greater attention to the development of ethnic minorities medicines. We will strengthen the institution construction and human resource development, strengthen the resource protection, research and exploration and reasonable utilization, push forward quality certification and standard formulation. Traditional Chinese Medicine should be encouraged to provide and make use of the medical security policy and essential drugs policy.

Column 18 key areas of pharmaceutical and healthcare

- 01 basic medical insurance system
- 02 public health service system
- 03 medical service system
- 04 Training base for general medical practitioner
- 05 pharmaceutical and healthcare informationization

Chapter 35: Improve construction of affordable houses

Combine government control with market regulation; accelerate improvement of housing mechanism and policy system that are in line with the national conditions; gradually form a housing supply and demand pattern featuring substantially balanced total aggregates, reasonable structure, harmonisation between housing prices and consumption capabilities; achieve the goal that everyone has a home to live in.

- 1. Improve housing supply system
- 2. Increase the supply of low-income housing

3. Improve the real estate market regulation

Persist in the combination of the government control and the market regulation, to perfect the housing mechanism and the policy system that applies to the Chinese condition. Gradually set up a housing demand - and - supply pattern under which the gross is balanced in general, the structure is reasonable in general, the housing price and the consumption capacity adapt in general, so as to realize the housing assurance for the public.

Section 1 Perfect the Housing Supplying system

Aim at assuring the basic needs, direct the reasonable consumption, accelerate the establishment of the housing demand - and - supply system in which the basic assurance are provided mainly by the government while the demand of multi-level are filled mainly by the market itself. For the low-income families with housing difficulties in town, to practice the low-price renting mechanism, for the lower-middle-income families with housing difficulties, to practice the public renting mechanism, for the up-middle-income families with housing difficulties, to practice the mechanism that combine the renting and purchasing of the commercial house. Establish and perfect the housing standard system which is commercial, adaptable, environmental friendly and resources saving, advocate the consumption model that applies to the domestic condition.

Section 2 Enhance the supply of the affordable house

Strengthen the governmental responsibility, put more effort on the construction of the affordable housing project, basically release the supply deficiency of the affordable house. Collect the low-price renting house resources from multi-channel, perfect the renting subsidy mechanism. Give priority to the development of the public renting house, gradually make it the main body of the affordable house. Accelerate the reconstruction of the shanty towns. Standardize the development of the affordable house. Establish a stable investment mechanism, enhance the support of the fiscal fund, the house fund loan and the bank loan, steer the public participation and the construction of the affordable house. Strengthen the management of the affordable house, make a just, open and transparent policy and supervision procedure, strictly follow the standard for access, retreat and charge.

Section 3 Improve the market control for the real estate

Further fulfil the local government's responsibility and the accountability system, bring it into the development goal of various regions that to ensure basic housing, stabilize the house price and intensify the market monitoring, provincial governments take the overall responsibility while the governments at municipal and county level take the direct responsibility. Perfect the land supplying policy, increase the land gross for housing, give priority to the arrangement of the affordable housing land , effectively expand the supply of the general commercial house. Speed up the formulation of the basic housing assurance law, modify the urban real estate management law and relevant regulations, perfect the housing fund mechanism, reinforce the management and expand the coverage. Intensify the market supervision, standardize the order of the real estate market. Speed up the construction of the housing information system, improve the information publication system.

Chapter 36: Comprehensively carry out population work

Control the population size, improve the health of the people, optimize population structure, and promote the sustainable and balanced development of the people.

Section 1 Strengthen the family planning service

Insist on the basic state policies of family planning, gradually improve related policies. Improve the preferential policy system for families obeying the family planning rules. Increase family development capacity. Increase the amount of subsidies for families obeying the family planning rules, expanding the beneficiary groups and establishing the dynamic adjustment mechanism. Continuously promote the construction of population and family planning service systems, expand the service scope. Comprehensively curb the trend of expanding sex ratio of the newly-born. Strengthen the measures to prevent the newly-born deformity problems. Strengthen the management of family planning service to floating population.

Section 2 Promote the overall development of the women

Insist on the basic state policies of gender equality, implement the women's development planning, secure the legal interests and rights of the women. Promote the employment and entrepreneurship of the women, improve the women's capacity to contribute to economic development and social management. Strengthen the labor protection, social welfare, health care, poverty relief and poverty reduction, and legal assistance for women. Improve the gender statistics system, improve the development environment for women. Crack down the crimes of violence against women and abducting and trafficking women.

Section 3 Ensure the priority of the development of the children

Insist on the policy of the priority of the children, implement the Children development outline, protect children's rights to survival, development, being protected and the right to participation. Improve the environment of the growth of the children, enhance the welfare of the children, eliminate the discrimination against girls, and endeavour to safeguard their healthy growth physically and psychologically. Strengthen children's elementary education and social behaviour education. Effectively resolve some remarkable problems concerning left-behind children, orphans, disabled children and migrant children. Crack down crimes such as child trafficking, abandonment, etc.

Section 4 Actively tackle the aging of population

Establish the social service system for the elderly involving family, communities and service provider institutions. Accelerate the development of social care service for elderly, cultivate and strengthen service industries for the elderly, strengthen the public welfare facilities for aged care, encourage the social capital to develop the nursing organization for elderly. Expand social service from basic daily life care to medical and healthy care, aids facilities, spiritual comfort, law service and emergency aids. Increase the facilities in the elderly activity centre in the communities. Develop and utilize the elderly human resources.

Section 4 Accelerate the development of industries for people with disabilities

Improve the social security system and social service system for people with disabilities; provide the stable policy security protection to the life and development of people with disabilities. Implement the focus rehabilitation and care service project, implement the urgency rescue rehabilitation project for people with disabilities between the age of 0 to 6, promote the "everybody has rehabilitation service". Actively carry out the employment service for people with disabilities and vocational training. Improve the assistance and support service in life care and the production work for people with disabilities in rural area. Diversify the life of people with disabilities in culture and sports aspects. Facilitate the barrier-free environment development. Design and implement the national action plan of disability prevention, effectively control the occurrence and deterioration of the disability.

Column 19 Action Plan for improving people's wellbeing

1. Expand the employment scale in both rural and urban areas
2. Increase the minimum salary level
3. Increase the pension benefit level
4. Increase the medical care benefit level
5. Increase the minimum living allowance level in both rural and urban areas
6. Decrease the amount of rural population below the poverty line
7. Lighten the taxation burden of the resident
8. Implement the urban housing project for low-income families
9. Improve the employment and social security service system
10. Increase the expenditure of state-owned capital revenue on people's wellbeing

Control the population size, improve the quality of the people, optimise the population structure and promote long-term and balanced development of population.

1. Enhance family planning services
2. Promote comprehensive development of women
3. Ensure children's development as a priority
4. Actively address the aging of population
5. Accelerate the development of the cause for the disabled people

Action plan for improving people's livelihood

01 Expand urban and rural employment

Create 9 million new jobs on average each year in urban areas; transfer 8 million rural labour force annually. The rate of signing labour contracts by enterprises to reach 90%; the rate of signing collective employment contracts to reach 80%.

02 Increase the minimum wage standard

Minimum wage standard to increase by no less than 13% on average each year. The minimum wage standard in vast majority of areas to reach no less than 40% of the average wage of the local urban employees.

03 Improve the pension scheme standard

Achieve nationwide coordination of basic pension fund for urban employees. Increase the number of urban residents newly enrolled in the pension insurance scheme by 100 million people. Steadily increase the basic pension received by urban employees; urban non-employed residents above the age of 60 to enjoy basic pension. Achieve full coverage of new countryside social pension scheme, and increase the standard of basic pension.

04 Improve the standard of medical insurance

Increase the number of urban and rural residents newly enrolled in the basic medical insurance scheme by 60 million people. Steadily increase the level of subsidies from fiscal budget to the basic medical insurance scheme and the new countryside cooperative medical scheme; the percentage of payment covered by the medical insurance fund within policy scope to increase to over 70%.

05 Increase the urban and rural minimum living standards

Increase the minimum living standards for urban and rural residents by over 10% on average each year.

06 Reduce the number of rural population living in poverty

Increase the input in poverty alleviation; steadily increase the standard of poverty alleviation; and substantially reduce the number of population living in poverty

07 Cut taxes for residents

Increase the personal income and wage tax deduction threshold, and reasonably adjust the tax rate structure for personal income tax in the early phase of the 12th Five-Year period; establish and improve the personal income tax system featuring combination of integration and classification in the middle and late phase of the 12th Five-Year period.

08 Implement the housing project for low-income urban residents

Construct and renovate 36 million apartments for urban low-income families; the coverage of low-income housing to reach 20% nationwide. No less than 10% of the net income from land assignment to be used for construction of low-income housing and renovation of units in run-down areas.

09 Improve the employment and social security service system

Reinforce the building of service facilities for public employment, social security, labour inspection, mediation and arbitration services. Promote the use of social security all-in-one card. The number of standard social security insurance cards issued nationwide to reach 800 million, covering 60% of the population.

10 Increase the proportion of the state-owned assets gains spent on people's livelihood

Enlarge the scope of state-owned assets gains that should be handed in to the state; steadily increase the percentage collected from the state-owned assets gains, with the incremental part mainly used for expenditures on people's livelihood such as social security.

Key indicators of economic and social development during the 12th Five-Year Plan period

(Excerpt on people's livelihood)

Indicator	2010	2015	Average annual growth rate	
Economic development				
- GDP (trillion yuan)	39.8	55.8	7%	Expected
- Urbanisation rate (%)	47.5%	51.5%	4% (accumulative figure over 5 years)	Expected
People's livelihood				
- Per capita disposable income of urban residents (yuan)	19109	> 26810	> 7%	Expected
- Per capita net income of rural residents (yuan)	5919	> 8310	> 7%	Expected
- Registered urban unemployment rate (%)	4.1%	< 5%		Expected
- Number of new jobs in urban areas			45,000,000 people (accumulative figure over 5 years)	Expected
- Number of urban residents enrolled in basic pension scheme	257 million people	357 million people	1% (accumulative figure over 5 years)	Binding
- Rate of enrolment in basic medical insurance in urban and rural areas (%)			3% (accumulative figure over 5 years)	Binding
- Number of low-income apartments built in urban areas (units)			36 million units (accumulative figure over 5 years)	Binding
- Total population	1.341 billion	< 1.39 billion	< 7.2‰	Binding
- Average life expectancy (years of age)	73.5	74.5	1 year (accumulative figure over 5 years)	Expected

** Target is set to increase the income of urban and rural residents at a rate no lower than that of the GDP growth. During implementation, we should strive to achieve the same pace of growth with economic development.*

Part IX: Cure the symptoms and the roots, strengthen and innovate social management

Adapt to the new environment with profound changes in the economic system, social structure, interest pattern and mode of thinking; innovate the mechanism of social management system; strengthen social management capacity building, build and improve the social management system with Chinese characteristics, and ensure that the society is full of vitality, harmony and stability.

Chapter 37: Innovate social management institution

1. Improve social management structure. Play the leading role of government, strengthen its function of social management and public service, construct service government; play the coordination role of people's organization, grassroots autonomous organization, various social organizations and enterprises, promote the standardization, profession, socialization and legalization of social management. Mobilize the organize the public to participate the social management orderly, foster the citizen awareness, realize self management, service and development.
2. Innovate social management system. Strengthen the management of the origin, dynamic management and crisis respond system. Pay more attention to the construction of people's wellbeing, equal communication and consultation, and the capacity of responding to emergencies.

1. Improve the social management pattern

Improve the social management pattern which features the Party taking the leadership, the government assuming the responsibility (service-oriented government), the society (social organisations, enterprises and public institutions) providing collaborative support and the public engaged in orderly participation.

2. Innovate the social management mechanism

Accelerate building of the social management mechanism which combines tackling issues at their source, dynamic management and emergency response:

Tackling issues at their source – put more focus on people's livelihood and system building, adhering to scientific, democratic and law-based decision making, avoiding and reducing occurrence of social issues.

Dynamic management – put more focus on equal communication and consultation, addressing lawful and reasonable appeals from the public, timely resolving social conflicts.

Emergency response – put more focus on building emergency response capacity, effectively addressing and properly handling unexpected public incidents, increase harmonious elements while dissolve negative elements, and bring out vitality of the society.

Chapter 38: Intensify the autonomy and service function of urban and rural community

1. Improve the management structure of community. Strengthen the autonomous system under the leadership of the Party, achieve positive interaction between government administrative management and public autonomy. Strengthen the

construction of community committee of urban-rural connection areas, agglomeration areas of floating population.

2. Construct the platform for social management and service. Guided by the public needs, integrate the management function and service resources of population, employment, social security, civil affairs, health, cultural, maintaining stability and petition. Improve the service and management of floating population.

1. Improve the governance structure of communities

Improve the system of grass-roots mass self-governance under the leadership of community Party organisations; advance the community residents' democratic management of community affairs and public welfare establishments according to law; achieve effective connection and sound interaction between government administration and grass-roots mass self-governance. Improve the system of community neighbourhood committees....actively develop community service, public welfare and mutual assistance social organisations...guide various kinds of social organisations and volunteers to participate in community management and service. Encourage innovation of social management and service mode that suit local circumstances.

2. Build community management and service platform

Improve the grass-roots management and service system; ... extend the basic public services function... Standardise and develop professional service agencies such as community service stations to effectively undertake tasks assigned by grass-roots government authorities. ... Integrate management functions and service resources in such areas as population, employment, social security, civil affairs, health, culture as well as comprehensive management, maintaining stability and handling complaints. ... Strengthen management of services to floating population.

Plan to enhance the service capacities of urban and rural communities

01 Build a comprehensive community service platform

02 Application of information technology in communities

03 Build human talents for community service

Implement a plan for 500,000 university students to serve in urban and rural communities ... The number of registered community volunteers to account for over 10% of the resident population.

Chapter 39: Strengthen the construction of social organizations

1. Foster the development of social organizations. Establish the management system, prioritize the development of economic, charity, and community social organization. Improve the supporting policies, promote the government to transfer functions to social organizations, open more public resources and fields.
2. Strengthen the supervision and management of social organization.

Attach equal importance to cultivation, development, management and supervision; promote healthy and orderly development of social organisations; bring into play their functions of providing services, reflecting appeals and standardising behaviour.

1. Promote development of social organisations

Prioritise development of economic, public charity, urban and rural community social organisations; promote reform and development of industry associations and chambers of commerce.

2. Strengthen supervision of social organisations

Chapter 40: Improve the mechanism of protecting public interests

1. Expanding the channels for expressing public opinions. Improve the public hearing and expert consultation system of public decision-making process. Improve the petition system, stress the collection and feedback of public opinion, play the expression function of people's organization, trade association and media, actively respond to public concern.
2. Improve the mediation mechanism to social contradictions. Establish the risk evaluation system for major projects and major policies.

Strengthen and improve a mechanism to safeguard the people's rights and interests with the Party and the government playing a leading role; form scientific and effective mechanisms of interest coordination, expression of interest appeals, conflict conciliation, and rights protection; effectively safeguard the lawful rights and interests of the people.

1. Expand channels to reflect social conditions and express public opinion
Improve the system of keeping the public informed and undertaking public hearings, expert consultation and debate during the public decision-making process; expand public participation. Improve the mechanism for petition work, pay attention to collection of public opinion and information feedback, effectively implement the system of officials receiving visits and handling letters from the public. Bring into play the function of public organisations, industry associations and the media to express social interests; bring into play the role of the internet as a new channel for reflecting social conditions and expressing public opinion; actively and proactively respond to social concerns.

2. Improve the mechanism for social conflicts mediation
Improve the leadership and coordination, screening and fore-warning, counselling, mediation and handling mechanisms to resolve social conflicts. Strengthen the joint action of public, administrative and judicial mediation; join various forces to effectively prevent and resolve social conflicts arising from labour disputes, land expropriation and house demolition, environmental protection, food and drug safety, business restructuring and bankruptcy. Establish a social stability risk assessment mechanism for key projects and major policy formulation. Improve the mass work system; rely on grass-root Party organisations, industry management organisations and people's self-governance organisations, fully into full play the functions of trade unions, Communist Youth League and women's federation, join forces to safeguard the rights and interests of the people, take into account public concerns from all aspects, and actively resolve social conflicts.

Chapter 41: Strengthen the construction of public security system

1. Safeguard the security of food and drugs
2. Strict management on safe production
3. Improve the emergency responding system
4. Improve public security

Push forward the establishment of a public security system that combines proactive prevention and control and emergency response, and integrates traditional and modern approaches.

1. Ensure food and drug safety

2. Tighten up safe production management

3. Improve emergency response system

4. Improve social public order control system

... Establish a national basic information database of population. Strengthen settlement, relief, help, education, management and medical assistance for special groups of the population; strengthen rectification on the weak links and key areas of public security. Enhance intelligence information, prevention and control, and rapid reaction capabilities, improve the ability to ensure public security and social order. ...

Part X: Inherit and innovate, promoting the big development and prosperous of culture

Chapter 42: Improving the civilization and quality of all nation

Chapter 43: Promote cultural innovation

Chapter 44: Promote prosperous development of cultural undertaking and cultural industry

Part XI: Reform in difficult areas, improving socialism institution of market economy

Chapter 45: Adhere and improve basic economic system

Uphold and improve the basic economic system, with public ownership playing a dominant role and diverse forms of ownership developing side by side, and create an institutional environment under which economic entities under all forms of ownership use factors of production equally in accordance with the law, engage in fair competition in the market, and enjoy equal legal protection.

1 Deepen the reform of state owned enterprises

Channel state capital into industries pertinent to national security and economy through discretionary and rational capital injection or withdrawal. Overall listing shall be achieved for large SOEs that get the requisite qualifications. Large SOEs that are not able to be listed shall put forward the reform of diversity of equities. Large SOEs that shall remain solely funded by the State shall carry out corporate system reform.

Put forward the reform in the salt and railway industries.

Deepen reforms of the power, telecommunication, petroleum, civil aviation and public facilities industries.

2 Optimize state owned capital management system

Uphold the separation of the functions of government as public administrator and state-owned assets investors. Promote justified distribution of state owned assets yields.

3 Support and guide the development of the non-public economy

Support and guide private capital to enter the industries and sectors that are not forbidden by laws and regulations. It is not allowed to set additional conditions for private capital with regard to market access. Support non-public enterprises to participate in the reform of state owned enterprises.

Chapter 46: Promote administrative reform

Section 1 Speed up the transformation of government function

Accelerate the separation of the functions of the government from those of enterprises, state assets management authorities, public institutions and market-based intermediaries. Reduce government intervention in microeconomic activities. Continue to optimize government structure, administrative levels and civil service. Reduce administrative costs, resolutely advance reforms of greater departments with integrated functions. Address the problems of overlapping organizations and functions and conflicting policies from different departments. Explore the system of provinces directly governing counties (cities) where conditions are adequate.

Section 2 Strengthen scientific and democratic decision-making mechanism

Solicit opinions on an extensive basis with regard to major policy decisions concerning the overall economic and social development.

Section 3 Strengthen the system of government performance assessment and administrative accountability

Section 4 Step up the restructuring of different categories of public institutions

Promote the reform of public institutions in the field of science and technology, education, culture, public health and sports. Establish a sound legal person governance structure in the enterprises transformed from public institutions.

Chapter 47: Accelerate fiscal and taxation system reform

Actively establish a fiscal taxation system that is beneficial to the transformation of the economic system.

Section 1 Deepen the fiscal system reform

According to the requirements of financial resources of governments in line with their respective powers, on the basis of rational definition of respective powers, financial administration among government at all levels shall be further organized. Improve transfer payments system, and increase the scope and proportion of general transfer payments, esp. equalization transfer payments. Strengthen guaranteed basic supply of financial service by government at county level. Establish a sound local government debt management system and explore the possibility of issuing local government bonds.

Section 2 Improve budget management system

Improve public finance budgets. Make budgets for government managed funds more detailed. Establish a sound budget for the state capital operations. Improve budget implementation system.

Section 3 Reform and improve tax system

Expend the scope of value added tax, and reduce business taxes. Improve personal income tax system. Transform administrative fees to taxes. Promote reform in resource taxes and farmland use tax. Promote reform on property tax.

Chapter 48: Deepen the financial system reform

Section 1 Deepen reform of the financial institutions

Strengthen internal management and risk management. Deepen the reform of the National Development Bank, press ahead with the reform of Export-Import Bank of China and China Export & Credit Insurance Cooperation, advance the reform of Agriculture Bank of China, and the reform of Postal Savings Bank of China. Establish deposit insurance system.

Press ahead with the commercialized transition of the financial asset management companies.

Section 2 Press ahead with the establishment of the system of multilevel financial markets

Improve the launch of the second board. Expend the scope of the STARS pilots. Promote the development of the Over the Counter Market. Explore the possibility of launching the international board. Move forward with asset securitization.

Section 3 Improve financial control mechanism

Improve the market-based managed floating exchange rate regime. Press ahead with the reform of the foreign exchange management system. Expend the scope of cross-border yuan trade. Push forward RMB capital account convertibility. Improve the management of foreign exchange reserve, expend the scale and increase the yields.

Section 4 Enhance financial regulation

Establish cross-boarder, cross-market financial regulation rules. Strengthen supervision on the systemically important financial institutions (SIFIs). Participate in the amendment to international financial standards.

Chapter 49: Deepen the reform of price of resource products and fees for environmental protection

Develop a sound, flexible mechanism for setting prices for resource products capable of reflecting supply and demand in the market, resource scarcity, and the cost of environmental damage.

Section 1 Improve the mechanism for setting prices for resource products

Press ahead with progressive pricing for household electricity and water consumption. Make the price ratio of natural gas to alternative energy sources more reasonable.

Section 2 Carry forward the reform of environmental protection charges

Section 3 Establish a sound resource property rights exchange mechanism

Part XII: Mutual beneficial and win-win, improving the opening up

China must adapt to a more balanced growth model, in which we place equal stress on imports, exports, attracting foreign capital and promoting outbound investments, instead of the current dependence on exports and foreign capital. We must implement more active strategies for “opening up” and unceasingly explore the new areas of reform. We will expand and deepen the convergence of interests for all parties. We must adapt the system to a demand-based economic model and effectively prevent risks in order to promote development, reform and innovation.

Chapter 50: Improve regional opening up pattern

China will continue the expansion of “opening up” policies and coordinate the opening up of coastal, inland and bordering areas to achieve a mutually beneficial and balanced pattern of “opening up”.

Section one: Deepen the “opening up” of the coastal areas

We will change the focus of the “opening up” of coastal areas from international manufacturing to research and development, advanced manufacturing and services. These areas will pioneer and internationalize the adaption of administrative management systems to achieve international competitiveness. We will also push for a further “opening up” of the service sector, promote the development of international trade in services, and attract foreign investment in the service sector. In this, we will deepen the “opening up” of the special economic areas of Shenzhen and other cities, Shanghai Pudong New Area and Tianjin Binhai New Area. We will speed up the internationalization of Shanghai as a centre for finance, shipping, and trade.

Section two: Expand the “opening up” of inland areas

The “opening up” of inland areas will depend on central cities, urban clusters and various investment and development zones. We will make use of natural resources and the comparative advantages of labour, optimize the investment environment, and expand the use of “leading industries” for foreign investors. Inland areas must actively adapt to the migration of international manufacturing enterprises and coastal industries toward inland areas; inland areas must cultivate and develop a number of bases for international manufacturing and service contracting. We will drive ahead the “opening up” of Chongqing’s “Liangjing New Area.”

Section 3: Speeding up the “opening up” of border areas

In order to develop border areas, we will make use of these areas’ regional advantages and formulate and implement special “opening up” policies. We will speed up the construction of key ports, border cities, border (and cross-border) economic cooperation zones and key development and experimental zones. We will enhance the infrastructure and connection with the neighbouring countries and develop “special outward industries” and industrial bases. Heilongjiang, Jilin, Liaoning and Inner Mongolia will be key in our “opening up” to North East Asia; Xinjiang will serve as a base for our “opening up” up the West; Guangxi will be a new “highland” for cooperation with ASEAN; Yunnan will be built into a bridge for

“opening up” to the South-West. We will also continuously improve the level of “opening up” along the coastal areas.

Chapter 51: Optimize foreign trade structure

China will continue the efforts to stabilize and expand foreign demand. We will speed up the transformation of foreign trade and promote the transformation of foreign trade development from volume-increasing to quality improving and profit increasing; we will compete with comprehensive advantages instead of cost advantages.

Section one: Nurturing a new competitive advantage for export

While maintaining the current advantage in export markets we will also speed up the nurturing of new advantages based on technology, branding, quality and service. We will improve the quality and class of labour-intensive export products, expand the export of electronic machinery and high-tech products, strictly limit the export of products that require wasteful use of energy and resources, and lead to high levels of pollution. We will optimize policy measures to promote the transition from processing trade to R&D, design, manufacturing of the key components and logistics etc, to extend the value-added chain in China. We will optimize the special supervisory policy and function of the Customs, to encourage the centralization of the processing trade into the Customs special supervisory area. We encourage enterprises to build up international sales channels to increase their ability to expand international market shares. We will actively develop emerging markets and promote the diversification of the export market.

Section 2: Improving the comprehensive effect of imports

We will optimize the structure of imports, actively expand imports of advanced technology, key components, domestically rare resources and energy-conservation and environmental protective products. We will expand the import of consumer goods to a reasonable degree and make use of the important macro-economic balancing and structure-adjusting role of imports and optimize the structure of trade payments. We will make full use of the attractiveness and influence of China’s huge market and promote the diversity of import sources. We will optimize the controlling mechanism of the import and export for key agricultural products in order to use international resources effectively.

Section three: Vigorous development of trade in services

We will promote export of services, deepen the “opening up” of outbound service sectors and increase the share of service trade in the total foreign trade. While expanding and stabilizing the export of traditional service sectors such as tourism and transportation, we will also make great efforts to promote the export of culture, Chinese medicine, software and information services, logistics in business and trade, financial insurance, and other service sectors., we will steadily open up fields such as education, medicine, sports etc, to attract good resources, to improve the service standard to the international level. We will vigorously develop service outsourcing and establish several “service contracting bases”. We will expand the “opening up” of financial, logistical and other service sectors, and in a stable way “open up” education,

medical care, sports and other areas. We will strive to improve the international level of our service sector.

Chapter 52: Coordinate 'Bring in' and 'Going Out'

China will continue the combination of the strategies 'bringing in' and 'going out' and to pay equal attention to both foreign investments in China and Chinese investments abroad in order to increase safe and effective use of the two markets and their resources.

Section one: increasing the level of foreign capital usage

China will optimise the structure of foreign capital by guiding foreign investments to the sectors of modern agriculture, high-end technology, advanced manufacturing, energy conservation, new energy, modern service industry etc. and encourage foreign capital to be invested in the middle and western parts of China. China will encourage foreign capital to use different means to take part in merger and acquisitions of domestic enterprises, such as buying shares, joint ventures etc. China will bring in senior talent and advanced technology from overseas and encourage foreign enterprises to set up R&D centres in China in order for China to learn advanced international management concepts and systems. China will actively integrate into the global innovation system. The soft environment of investments will be optimised and the legal rights of investors will be protected. China will conduct the National Security Review of foreign merger and acquisitions in a good fashion. Favourable foreign lending and international commercial lending will be used effectively to fine tune the management of foreign debt.

Section two: Speeding up the implementation of the 'Go out' strategy

China will follow the strategy of market orientation and self-willingness of enterprises to guide enterprises with different ownerships to develop overseas investment cooperation in an orderly manner. China will deepen the development of international energy resources and mutually beneficial processing cooperation. China will support the carrying out of technology R&D investments abroad and to encourage leading enterprises in the manufacturing industry to conduct foreign investment to create internationalised marketing and sales channels and famous brands. China will enlarge international cooperation in the agricultural sector and develop overseas engineering contracts, labour cooperation and cooperation projects that can improve living standards in local areas. China will gradually develop its own large cross country corporations and cross country financial institutions to increase China's level of international operations. China will conduct research for overseas investments and enhance scientific evaluation of investment projects. China will increase its ability of comprehensive all-round consideration, optimize the cross-agency coordination system, and enhance the guidance and services to enforce the 'going out' strategy. The formulation of laws and regulations concerning overseas investments will be speeded up and optimised. China will actively discuss and sign mutual agreements on investment protection and agreements to avoid double taxation as well as other multilateral or bilateral agreements. China's overseas investment promotional system will be improved to increase the level of investment facilitation for enterprises to invest overseas and to protect the overseas rights of China and to minimize different kinds of risks. The enterprises that are 'going out' and their

overseas cooperation projects should bear corporate social responsibility in mind in order to bring benefits to the local people.

Chapter 53: Actively participate in global economic governance and regional cooperation

China is to expand exchange and cooperation with developed countries to obtain an increase of mutual trust and a higher level of cooperation. In order to maintain peace and stability and to promote prosperity and development in the region friendly relationships and pragmatic cooperation with neighbouring countries will be deepened, as well as Unity and cooperation with developing countries will be enhanced and traditional friendship and common interests will be maintained. Multilateral cooperation will be developed actively.

China will push for a reform of the international economic system and promote the international economic order to develop in a more fair and reasonable direction. China will participate actively in the G20's global economic management cooperation in order to promote and build a balanced, commonly beneficial "win-win" situation of the multilateral trade system. China will work against all kinds of protectionism. Furthermore, China will actively promote a reform of the international financial system and to rationalize the international currency system. Coordination with the major economic bodies' macro economic policies will be strengthened. Finally, China will actively take part in the drafting and amending of the international regulations and standards to increase its influence in international economic and financial organizations.

China's strategies of formulating Free Trade Zones should be speeded up. To further enhance the economic relations between China and its major trading partners by deepening the pragmatic cooperation with both emerging market countries and developing countries. China should use the APEC as well as other international or sub-regional cooperation mechanisms and enhance regional cooperation with other countries and regions. South-South cooperation should be enhanced. The Chinese foreign aid structure should be optimized and the number of projects in the field of people's livelihood and welfare in the developing countries should be increased. Finally, economic and technology assistance to social public utilities, self-development capacity building and the other areas in developing countries should be increased.

The leadership of the party should be maintained by letting the people be the masters of the country and by maintaining unity by ruling the country by law. We will continue to develop socialist democratic rule and to build a socialist country with the rule of law.

Part XIII: Develop democracy; promote the construction of socialism political civilization

Adhere to the unity of the Party's leadership, people as masters of their own country, and governing the country by law; develop socialist democratic politics, and build a socialist country ruled by law.

Chapter 54: Develop socialism democratic politics

Speed up the construction of socialist political civilization. Stick to the lead of the party, with the people at its centre, organized in unison by a lawful state, advance the politics of socialist democracy, guarantee the people's right to knowledge, to participation, to expression and supervision. Adhere and improve the representative system National People's Congresses, the cooperation of leaders of the CPC with different parties and the system of political consultation, the self-governing system of minority areas and the self-governing system at the basis of society. Consolidate and expand the wide patriotic united front. Promote the unions, the communist youth league's, the women's federation and other civil organizations. To realize the work for minorities and religions, strengthen the united education of different ethnics.

Adhere to and improve the system of the people's congress, the multi-party cooperation and political consultation under the leadership of the CPC ...

Continuously push forward the self-improvement and development of the socialist political system.

Improve the system of democracy, expand the channels of democracy, carry out democratic elections, democratic decision-making, democratic management and democratic supervision according to law, and safeguard the people's right to know, participate, express and supervise.

Support trade unions, Communist Youth League, women's federation and other people's organisations to undertake work according to law and their respective charters, and participate in social management and public services.

Fully implement the Party and the state's policy on ethnic minorities... and the Party's basic guidelines on religion. Encourage people from new social class to devote themselves to building socialism with Chinese characteristics. ...

Chapter 55: Comprehensively promote the construction of legal system

Fully realize the vision of a lawfully governed state, optimize the legal system of the socialism with Chinese characteristics, protect the unity, dignity and authority of socialism legal system, just and incorruptible enforcement of the law, strengthen the education of the wide population of the law, create a good atmosphere in society of everyone studying and respecting the law, speed up the building of a socialist lawful state. Strengthen the guarantee of human rights, advance the overall development of human right matters.

... Improve the socialist legal system with Chinese characteristics. ... Put emphasis on legislation relating to accelerating transformation of the economic growth mode, improving people's livelihood, developing social causes and government building. ...

... Strengthen enforcement of the Constitution and law. ... Advance governance by law and fair and clean enforcement. ... Deepen judicial system reform. ... Further promote publicity and education on law...

... Strengthen legal assistance; enhance protection of human rights; promote the comprehensive development of the human rights cause. ...

Chapter 56: Strengthen efforts to promote clean government and combat corruption

Conscientiously implement the Code of Conduct for Building Clean and Honse Government, and implement the system whereby leading cadres regularly report their incomes, real estate and investments, as well as what their spouses and children do.

... Put emphasis on improving the system to punish and prevent corruption; strengthen anti-corruption and building a clean government. ...

Strengthen honesty and self-discipline of officials; seriously implement the regular reporting system of officials' income, real estate property, investment as well as employment of their spouses and children.

Deepen reform and system innovation, and gradually establish an effective anti-corruption system that is scientific in content and rigorous in procedures.

Establish and improve a power structure and an operational mechanism featuring mutual restriction and coordination of powers for decision-making, enforcement and supervision; and vigorously push forward transparency of government affairs and audit of economic responsibilities.

Enhance international exchange and cooperation in anti-corruption.

Part XIV: Deepen cooperation; construct the common homeland for Chinese nation

Chapter 57: Maintain Hong Kong and Macao's long term prosperity and stability

Continue to strictly adhere to the principles of "one country ,two systems", "Hong Kong people ruling Hong Kong", "Macao people governing Macao" and the policy of high political autonomy. Strictly follow the Special Administrative region's basic law, fully support the political work of the Special Administrative Region's leading officials and the Government according to law.

1. Support Hong Kong and Macao consolidate and lift competitive advantages. Support Hong Kong develop to the off-shore rmb business center and international asset management center, consolidate and lift its position as international finance, trade and shipping center, strengthen the global influences as financial center. Support Macao to build global tourism and leisure center.
2. Support Hong Kong and Macao to foster emerging sectors.
3. Deepen the cooperation between inland and Hong Kong/Macao. Implement the cooperation framework agreement between Guangdong/Hong Kong and Guangdong/Macao, promote regional economic development, build advanced manufacturing and service sector base. Strengthen planning and coordination, improve the transportation system between pearl river delta and Hong Kong/Macao.

Chapter 58: Promote the peaceful development of cross strait relations and reunification of motherland

Adhere to the principles of peaceful reunification and "one country, two systems" and in the current phase advance the cross-strait relations. Promote the 8-point proposal of peaceful reunification with the motherland, fully implement the 6-point proposal on the peaceful development of cross-strait relations. Firmly assure the issue of peaceful development of cross-strait relations, oppose separatist activities for an independent

Taiwan. Comprehensive deepen cross-strait economic cooperation, strengthen the cross-straits exchanges in areas of culture, education, tourism and others, actively expand cross-straits exchanges in all areas, advance the process of cross-strait exchange mechanisms, build a framework for the peaceful development of cross-strait relations.

1. Establish and improve the cross-strait economic cooperation mechanism
2. Comprehensively deepen cross-strait economic cooperation
3. Support the development of West Coast Economic Zone

Part XV: Civil-military integration, strengthen the construction of national defense and army modernization

Chapter 59: Strengthen the construction of national defense and army modernization

Adhere to the military thoughts of Mao Zedong, the thoughts on building an army of the new era from Deng Xiaoping, follow the lead of Jiang Zemin's thoughts on building National defense and the army, make technological development an important guiding principle in national defense and military, implement modern military strategies. Strengthen construction of a more revolutionized, modern and standardized army. Push forward military theory, military technology, military organizations, the innovation of military management.

Chapter 60: Promote the development of civil-military integration

Adhere to the roadmap of military and civilian integration, optimize the scientific development system for arms and weapons and the system of personnel training.

Part XVI: Strengthen implementation, achieve the grand development blueprint

This Plan, upon deliberation and approval by the National People's Congress, bears legal validity.

Chapter 61: Improve the implementing and evaluation mechanism

1. Clear define responsibilities. The binding index and expecting index are the promises government made to the people. Major binding index should discompose and implement by various ministries and levels. Specific work responsibility and speed should be clear on how to promote the equalization of public services.
2. Strengthen policy balance and coordination.
3. Implement comprehensive evaluation and assessment system
4. Strengthen the supervision and assessment of the plan. A midterm evaluation report should be submitted to NPC for assessment.

To ensure smooth implementation of the Plan, mainly rely on market forces to play their basic role in allocating resources; government at all levels should correctly perform their duties to rationally allocate public resources, and ensure the objectives and tasks under the Plan can be met.

1. Clearly define the responsibilities for implementation of the Plan

The indicators marked ‘expected’ and the tasks on industrial development and structural adjustment are to be achieved mainly by discretionary behaviour of market players. Government at all levels should create a sound policy, system and legal environment, break down market segmentation and industry monopoly, stimulate initiative and creativity of market players, steer the behaviour of market players towards national strategic objectives.

The indicators marked ‘binding’ and the tasks in the field of public services are the government’s commitments to the people. The major binding indicators should be specifically assigned to the relevant departments and all provinces, autonomous regions and municipalities directly under the central government. The tasks on promoting equalisation of basic public services should be achieved mainly by utilisation of public resources by the government, with clearly defined work responsibilities and planned schedule.

2. Strengthen overall policy planning and coordination

... Optimise the structure of fiscal expenditure and government investment, steadily increase the central government’s investment scale, with focus on people’s livelihood and social causes, agriculture and rural areas, science technology and innovation, ecology and environmental protection and resources conservation, and with a bigger proportion devoted to the middle and western regions, former revolutionary base areas, areas inhabited by minority ethnic groups, remote and border areas and poverty-stricken areas.

3. Put into practice comprehensive evaluation and appraisal

Accelerate the development of a performance evaluation and appraisal system and specific appraisal methods that are conducive to advancing scientific development and accelerating transformation of the economic growth mode; weaken the evaluation and appraisal based on the speed of economic growth, while strengthen a comprehensive evaluation and appraisal on fulfilment of the objectives and tasks including structural optimisation, improvement of people’s livelihood, resources conservation, environmental protection, basic public services and social management. Results of the appraisal will be used as importance basis for change of government leadership at various levels, as well as selection, recruitment, award and punishment of officials.

4. Strengthen monitoring and evaluation of the Plan

Improve the monitoring and evaluation system, enhance capacity building in this regard, strengthen statistics work concerning the service industry, energy-conservation and emission reduction, climate change, labour and employment, income distribution and real estate. Stress the surveillance and analysis on the progress with implementation of the Plan. The relevant departments of the State Council should strengthen evaluation on implementation of the Plan in their respective fields, and be subject to supervision and examination by the National People’s Congress and its Standing Committee. The competent authority assuming responsibilities under the Plan should conduct evaluation on fulfilment of the binding and the key expected indicators, submit an annual progress report on implementation of the Plan to the State Council, and release information to the public in an appropriate manner. The State Council will

organise a comprehensive mid-term review during implementation of the Plan, and submit a mid-term evaluation report to the Standing Committee of the National People's Congress for examination. Should there be a need to make adjustments to the Plan, the State Council should submit an adjustment proposal to the Standing Committee of the National People's Congress for approval.

Chapter 62: Strengthen the coordinated management

... Improve an implementation mechanism featuring clear responsibilities, categorised implementation and effective supervision.

The relevant departments of the State Council should organise compilation of a set of national-level special plans, in particular key special plans, and specify and put into practice the key tasks set out in the Plan. ...

The local plans should effectively implement the national strategic objectives, take into account the local realities and highlight the local characteristics. Make the local plans well coordinated with the development strategies, major objectives and key tasks set out in this Plan, with focus on strengthening their connections with the binding indicators.

Strengthen the connections between the annual plans and this Plan; annual goals should be set towards meeting the major objectives and fully reflect the development objectives and key tasks set out in the Plan. Annual reports should analyse the progress with implementation of this Plan, especially the fulfilment of binding indicators.

海关税则号	分类	增值税退税率						
		2008	2009	2010	2011	2012	2013	2014 (1-6月)
87087090 (2008-2012年) //87087099 (2013-2014年)	铝制轮毂	17	17	17	17	17	17	17
76011010	电解铝	无退税	无退税	无退税	无退税	无退税	无退税	无退税
76011090		无退税	无退税	无退税	无退税	无退税	无退税	无退税
76012000	铝合金	无退税	无退税	无退税	无退税	无退税	无退税	无退税
26060000	铝矾土	无退税	无退税	无退税	无退税	无退税	无退税	无退税

[illegible]

海关税则号	分类	出口税率 (%)						
		2008	2009	2010	2011	2012	2013	2014(1月-6月)
87087090 (2008-2012年) //87087099 (2013-2014年)	铝制轮毂	未列明关税	未列明关税	未列明关税	未列明关税	未列明关税	未列明关税	未列明关税
76011010	电解铝	暂定税率：0	暂定税率：0	暂定税率：0	暂定税率：0	暂定税率：0	暂定税率：0	暂定税率：0
76011090		暂定税率：15	暂定税率：15	暂定税率：15	暂定税率：15	暂定税率：15	暂定税率：15	暂定税率：15
76012000	铝合金	暂定税率：0	暂定税率：15	暂定税率：15	暂定税率：15	暂定税率：15	暂定税率：0	暂定税率：15
26060000	铝矾土	暂定税率：15	暂定税率：15	未列明关税	未列明关税	未列明关税	未列明关税	未列明关税

CN Code	Category	Export Tariff Duty (%)						
		2008	2009	2010	2011	2012	2013	2014(Jan-Jun)
87087090 (Year2008-2012) //87087099 (Year2013-2014)	ARW	No Export Duty	No Export Duty	No Export Duty	No Export Duty	No Export Duty	No Export Duty	No Export Duty
76011010	Aluminium, not alloyed	Temporary Rate: 0	Temporary Rate: 0	Temporary Rate: 0	Temporary Rate: 0	Temporary Rate: 0	Temporary Rate: 0	Temporary Rate: 0
76011090		Temporary Rate: 15	Temporary Rate: 15	Temporary Rate: 15	Temporary Rate: 15	Temporary Rate: 15	Temporary Rate: 15	Temporary Rate: 15
76012000	Aluminium alloys	Temporary Rate: 0	Temporary Rate: 15	Temporary Rate: 15	Temporary Rate: 15	Temporary Rate: 15	Temporary Rate: 0	Temporary Rate: 15
26060000	Aluminium ores and concentrate (Bauxite)	Temporary Rate: 15	Temporary Rate: 15	No Export Duty	No Export Duty	No Export Duty	No Export Duty	No Export Duty

海关税则号	分类	进口税率						
		2008	2009	2010	2011	2012	2013	2014 (1-6月)
87087090 (2008-2012年) //87087099 (2013-2014年)	铝制轮毂	10	10	10	10	10	10	10
76011010	电解铝	5	5	5	5	5	5	5
76011090		5	0	0	0	0	0	0
76012000	铝合金	7	7	7	7	7	7	7
26060000	铝矾土	0	0	0	0	0	0	0

CN Code	Category	Import Tariff Duty Rates (MFN)						
		2008	2009	2010	2011	2012	2013	2014 (Jan-Jun)
87087090 (Year2008-2012) //87087099 (Year2013-2014)	ARW	10	10	10	10	10	10	10
76011010	Aluminium, not alloyed	5	5	5	5	5	5	5
76011090		5	0	0	0	0	0	0
76012000	Aluminium alloys	7	7	7	7	7	7	7
26060000	Aluminium ores and concentrate (Bauxite)	0	0	0	0	0	0	0

海关税则号	分类	出口配额监管条件						
		2008	2009	2010	2011	2012	2013	2014(1-6月)
		描述	描述	描述	描述	描述	描述	描述
87087090 (2008-2012年) //87087099 (2013-2014年)	铝制轮毂	无	无	无	无	无	无	无
76011010	电解铝	无	无	无	无	无	无	无
76011090		无	无	无	无	无	无	无
76012000	铝合金	无	无	无	无	无	无	无
26060000	铝矾土	出口配额招标	出口配额招标	出口配额招标	出口配额招标	出口配额招标	无	无

List of Industrial Product Subject to Export Quota in 2013

Category	Product
Agriculture Products	锯 材
	蔺草及蔺草制品
	活大猪
	活中猪
	活牛
	活鸡
Industrial Products	Tungsten and Tungsten Products (Amount of Metal)
	Tin and Tin Products (Amount of Metal)
	Antimony and Antimony Products (Amount of Metal)
	Molybdenum(Amount of Metal)
	Indium(Amount of Metal)
	Silver(Amount of Metal)
	Phosphate Ore
	Talcum Powder
	Licorice Root and Licorice Root Products
	Magnesite

海关税则号	分类	进口配额监管条件						
		2008	2009	2010	2011	2012	2013	2014(Jan.-Jun.)
		描述	描述	描述	描述	描述	描述	描述
87087090 (2008-2012年) //87087099 (2013-2014年)	铝制轮毂	无	无	无	无	无	无	无
76011010	电解铝	无	无	无	无	无	无	无
76011090		无	无	无	无	无	无	无
76012000	铝合金	无	无	无	无	无	无	无
26060000	铝矾土	无	无	无	无	无	无	无

CN Code	Category	Code list of Supporting documents subject to import quota						
		2008	2009	2010	2011	2012	2013	2014(Jan.-Jun.)
		Description	Description	Description	Description	Description	Description	Description
87087090 (Year2008-2012) //87087099 (Year2013-2014)	ARW	No	No	No	No	No	No	No
76011010	Aluminium, not alloyed	No	No	No	No	No	No	No
76011090		No	No	No	No	No	No	No
76012000	Aluminium alloys	No	No	No	No	No	No	No
26060000	Aluminium ores and concentrate (Bauxite)	No	No	No	No	No	No	No

[illegible]

CN Code		List of Products Subject to Prohibition of Processing Trade						
	Category	2008	2009	2010	2011	2012	2013	2014(Jan-Jun)
		Description	Description	Description	Description	Description	Description	Description
87087090	ARW	No	No	No	No	No	No	No
76011010	Aluminium, not alloyed	processing trade prohibition (Export)	processing trade prohibition (Export)	processing trade prohibition (Export)	processing trade prohibition (Export)	processing trade prohibition (Export)	processing trade prohibition (Export)	processing trade prohibition (Export)
76011090		processing trade prohibition (Export)	processing trade prohibition (Export)	processing trade prohibition (Export)	processing trade prohibition (Export)	processing trade prohibition (Export)	processing trade prohibition (Export)	processing trade prohibition (Export)
76012000	Aluminium alloys	No	No	No	No	No	No	No
26060000	Aluminium ores and concentrate (Bauxite)	processing trade prohibition (Import)	processing trade prohibition (Import)	processing trade prohibition (Import)	processing trade prohibition (Import)	processing trade prohibition (Import)	processing trade prohibition (Import)	processing trade prohibition (Import)

http://www.customs.gov.cn/tabid/399/ctl/InfoDetail/InfoID/242951/mid/60432/Default.aspx?ContainerSrc=%5bG%5dContainers%2f_default%2fNo+Container

商务部、海关总署联合公告 2010 年第 63 号（关于对加工贸易禁止类目录进行调整）

根据国务院关于做好节能减排工作的要求，商务部和海关总署对加工贸易禁止类目录进行调整：将 44 个十位商品编码（见附件）增列入加工贸易禁止类目录。对加工贸易禁止类商品的管理，仍按《商务部 海关总署 2009 年第 37 号公告》及现行有关规定执行。

本公告自 2010 年 11 月 1 日起执行。

附件：增列入加工贸易禁止类目录的商品.xls

中华人民共和国商 务 部

中华人民共和国海关总署

二〇一〇年九月二十九日

Announcement [2010] No.63 of Ministry of Commerce of the PRC and General Administration of Customs of the PRC on adjusting Prohibited Commodity Catalogue for Processing Trade

In accordance with the State Council's requirements for energy conservation and discharge reduction, Ministry of Commerce of the PRC and General Administration of Customs of the PRC adjust Prohibited Commodity Catalogue for Processing Trade as follows: adding 44 ten-number commodity codes (see Attachment) to Prohibited Commodity Catalogue for Processing Trade. The administration of prohibited commodities for processing trade will still be implemented according to "Announcement [2009] No.37 of Ministry of Commerce of the PRC and General Administration of Customs of the PRC and relevant current regulations.

The announcement will come into force as of November 1, 2010.

Attachment: The Commodities added to Prohibited Commodity Catalogue for Processing Trade

(Note: The newly added commodities are not Aluminium; therefore, no translation of the attachment is provided.)

Ministry of Commerce of the PRC and General Administration of Customs of the PRC

September 29th, 2010

附件：

增列入加工贸易禁止类目录的商品

序号	商品编号	商品名称	禁止方式
1	2804619011	含硅量不少于99.99%的多晶硅废碎料	出口
2	2804619019	其他含硅量不少于99.98%的多晶硅	出口
3	2804619091	其他含硅量不少于99.99%的硅废碎料	出口
4	2804619099	其他含硅量不少于99.99%的硅	出口
5	6907100090	未上釉的小陶瓷砖,瓦,块及类似品	出口
6	6907900000	未上釉的大陶瓷砖,瓦,块及类似品	出口
7	7001000010	废碎玻璃	出口
8	7001000090	玻璃块料	出口
9	7002100000	未加工的玻璃球	出口
10	7003120000	铸、轧制着色的非夹丝玻璃板、片	出口
11	7003190001	液晶显示屏用原板玻璃	出口
12	7003190090	铸、轧制的其他非夹丝玻璃板、片	出口
13	7003200000	铸、轧制的夹丝玻璃板、片	出口
14	7003300000	铸、轧制的玻璃型材及异型材	出口
15	7004200000	拉、吹制的着色玻璃板、片	出口
16	7004900001	光学平板玻璃,厚度0.7mm以下	出口
17	7004900090	拉、吹制的其他玻璃板、片	出口
18	7005100000	有吸收层非夹丝浮法或抛光玻璃板	出口
19	7005210000	其他着色非夹丝浮法玻璃板、片	出口
20	7005290001	浮法玻璃	出口
21	7005290090	其他非夹丝浮法玻璃板、片	出口
22	7005300000	夹丝浮法玻璃板、片	出口
23	7203100001	热压铁块	进出口
24	7203100090	直接从铁矿还原的铁产品	进出口
25	7203900000	其他海绵铁产品或纯度在99.94%及以上的铁	进出口
26	7204100000	铸铁废碎料	进出口
27	7204210000	不锈钢废碎料	进出口
28	7204290000	其他合金钢废碎料	进出口
29	7204300000	镀锡钢铁废碎料	进出口
30	7204410000	机械加工中产生的钢铁废料	进出口
31	7204490010	废汽车压件	进出口
32	7204490020	以回收钢铁为主的废五金电器	进出口
33	7204490090	未列名钢铁废碎料	进出口
34	7204500000	供再熔的碎料钢铁锭	进出口
35	7205100001	棱角钢砂	进出口
36	7205100090	其他生铁、镜铁及钢铁颗粒	进出口
37	7205210000	合金钢粉末	进出口
38	7205290000	生铁、镜铁及其他钢铁粉末	进出口
39	7206100000	铁锭及非合金钢锭	进出口
40	7206900000	其他初级形状的铁及非合金钢	进出口
41	7207110000	宽度小于厚度两倍的矩形截面钢坯	进出口

42	7207120000	其他矩形截面钢坯	进出口
43	7207190000	其他含碳量小于0.25%的钢坯	进出口
44	7207200000	含碳量不小于0.25%的钢坯	进出口

备注：以上商品目录按2010年海关商品编码制定。如遇编码调整，以调整后编码为准。

商务部、海关总署公告 2009 年第 37 号（关于公布 《2009 年加工贸易禁止类商品目录》）

2009-06-03

经国务院批准，为保持外贸稳定增长，现对加工贸易禁止类目录进行调整，并将有关事项公告如下：

一、根据 2009 年海关商品编码，对调整后的禁止类目录商品编码进行修订，修订后禁止类目录共计 1759 项商品编码。

二、对以下情况，按照加工贸易禁止类进行管理

（一）为种植、养殖等出口产品而进口种子、种苗、种畜、化肥、饲料、添加剂、抗生素等。

（二）生产出口仿真枪支。

（三）禁止开展进口料件属于国家禁止进口商品的加工贸易（如含淫秽内容的废旧书刊，含有害物、放射性物质的工业垃圾等）。

（四）其他国家已公布的禁止进出口目录的商品。

三、列入加工贸易禁止类进口商品目录的，凡用于深加工结转转入，或从具有保税加工功能的海关特殊监管区域内企业经实质性加工后进入区外的商品，不按加工贸易禁止类进口商品管理。

列入加工贸易禁止类出口商品目录的，凡用于深加工结转转出，或进入具有保税加工功能的海关特殊监管区域内企业加工生产的商品，不按加工贸易禁止类出口商品管理。前述商品未经实质性加工不得直接出境。

以上所称“实质性加工”的标准，参照《中华人民共和国海关关于执行〈非优惠原产地规则中实质性改变标准〉的规定》（海关总署令第 122 号）执行。

四、本公告也适用于保税区、出口加工区等海关特殊监管区域，但本公告发布之前区内已设立并从事相关商品加工贸易的企业除外。

五、自本公告发布之日起，商务部、海关总署 2008 年第 22 号公告所附目录停止执行，其他规定仍按原公告执行。

[附件：2009 年加工贸易禁止类商品目录.xls](#)

中华人民共和国商务部

中华人民共和国海关总署

二 00 九年六月三日

Prohibited Commodity Directory For Processing And Trading of 2009 No. 37 Published by
Ministry of Commerce of the PRC and General Administration of Customs of the PRC

Approved by State Council and to keep foreign trade's steady growth, prohibited commodity directory for processing and trading is now adjusted and relevant issues thereof are published as follows:

1. The code of commodity as in the adjusted prohibited commodity directory is amended according to customs commodity code of 2009, and the amended prohibited commodity directory includes 1,759 commodity codes.
2. The following circumstances shall be regulated as prohibited processing and trading:
 - a) Importing seeds, seedlings, stud stock, chemical fertilizer, feed, additives, antibiotics, etc for cultivating and breeding exports.
 - b) Producing export emulated guns
 - c) Processing and trading of import materials which are prohibited by the state from importing, such as used books containing obscene content, industrial waste including noxious and radioactive substances, etc.
 - d) Importing and exporting commodity as prohibited and published by other countries from importing and exporting.
3. For commodity which is included in the banned import commodity directory of processing and trade, it shall not be regulated as banned import commodity of processing and trade if such commodity is used to further processing transfer, or is substantially processed by enterprises in the areas which are under special customs supervision and with bonded processing function before entering into other areas.

The standard for the above-mentioned "Substantially Processing" shall be enforced in accordance with The Rules on the Implementation of 'Preferential Rules of Origin of Real Change Standard' as published by Customs of PRC (No. 122 Order of General Administration of Customs).

4. This announcement shall also be applied to areas under custom special supervision such as bonded area and export processing areas, except for enterprises which have been established and engage in relevant commodity processing and trade before the publication of this announcement.
5. The Directory as attached to 2008 No. 22 Announcement as published by Ministry of Commerce and General Administration of Customs shall be abolished since the publication date of this Announcement, other Announcements shall still be enforced.

Attachment: Prohibited Commodity Directory For Processing And Trading of 2009

Ministry of Commerce of the PRC
General Administration of Customs of the PRC
June 3, 2009

2009年加工贸易禁止类商品目录

序号	商品编码	商品名称	禁止方式		
1	0101101010	改良种用濒危野马	出口		
2	0101102010	改良种用的濒危野驴	出口		
3	0101901010	非改良种用濒危野马	出口		
4	0101909010	非改良种用濒危野驴	出口		
5	0102100010	改良种用濒危野牛	出口		
6	0106191010	其他改良种用濒危野生哺乳动物	出口		
7	0106192010	其他食用濒危野生哺乳动物	出口		
8	0106199010	其他濒危野生哺乳动物	出口		
9	0106391010	其他濒危野生改良种用的鸟	出口		
10	0106392910	其他食用濒危野生鸟	出口		
11	0106399010	其他濒危野生鸟	出口		
12	0106901110	改良种用濒危蛙苗	出口		
13	0106901910	其他改良种用濒危野生动物	出口		
14	0106902010	其他濒危野生食用动物	出口		
15	0106909010	其他濒危野生动物	出口		
16	0205000010	鲜、冷或冻的濒危野马、野驴肉	出口		
17	0207142100	冻的鸡翼		进口	
18	0207142200	冻的鸡爪		进口	
19	0207142900	冻的其他食用鸡杂碎		进口	
20	0207270000	冻的火鸡块及杂碎		进口	
21	0208109010	鲜、冷或冻濒危野兔肉及其食用杂碎	出口		
22	0208909010	其他鲜、冷或冻的濒危野生动物肉	出口		
23	0301100060	观赏用其他濒危鱼	出口		
24	0301921010	花鳗鲡鱼苗			进出口
25	0301921090	其他鳗鱼苗			进出口
26	0301931010	濒危鲤鱼苗	出口		
27	0301939010	活濒危鲤鱼	出口		
28	0301991910	其他濒危鱼苗	出口		
29	0301999910	其他濒危活鱼	出口		
30	0302650010	鲜或冷鲸鲨、噬人鲨、姥鲨（海关特殊监管区域除外，但不得深加工结转和外发加工）		进口	
31	0302650090	其他鲜或冷角鲨及其他鲨鱼（海关特殊监管区域除外，但不得深加工结转和外发加工）		进口	
32	0302699010	其他未列名濒危鲜、冷鱼	出口		
33	0302700010	鲜或冷濒危鱼种的肝及鱼卵	出口		
34	0303750010	冻鲸鲨、噬人鲨、姥鲨		进口	
35	0303750090	其他冻角鲨及其他鲨鱼（海关特殊监管区域除外，但不得深加工结转和外发加工）		进口	

36	0303799010	其他未列名濒危冻鱼	出口		
37	0303800010	冻濒危鱼种的肝及鱼卵	出口		
38	0304190010	其他鲜或冷的濒危鱼片及其他鱼肉	出口		
39	0304299010	冻的其他濒危鱼片	出口		
40	0304990010	濒危鱼类其他冻鱼肉	出口		
41	0305200010	干、熏、盐制的濒危鱼种肝、卵	出口		
42	0305300010	干或盐制濒危鱼类的鱼片	出口		
43	0305592010	干鲸鲨、噬人鲨、姥鲨鱼翅（海关特殊监管区域除外，但不得深加工结转和外发加工）		进口	
44	0305592090	其他干鱼翅（海关特殊监管区域除外，但不得深加工结转和外发加工）		进口	
45	0305599010	其他濒危干鱼	出口		
46	0305699010	盐腌及盐渍的其他濒危鱼	出口		
47	0307601010	濒危蜗牛及螺种苗	出口		
48	0307609010	其他濒危蜗牛及螺	出口		
49	0307911010	濒危水生无脊椎动物的种苗	出口		
50	0307919910	其他濒危活、鲜、冷水生无脊椎动物	出口		
51	0307999010	其他冻干盐制濒危水生无脊椎动物	出口		
52	0407001010	种用濒危野禽蛋	出口		
53	0407002910	其他带壳鲜濒危野鸟卵	出口		
54	0407009910	其他腌制或煮过的带壳濒危野鸟卵	出口		
55	0410001000	燕窝（海关特殊监管区域除外，但不得深加工结转和外发加工）		进口	
56	0410009010	其他编号未列名濒危野生动物产品	出口		
57	0502901910	濒危獾毛及其他制刷用濒危兽毛	出口		
58	0502902010	濒危獾毛及其他制刷濒危兽毛废料	出口		
59	0505100010	填充用濒危野生禽类羽毛；羽绒	出口		
60	0505909010	其他濒危野生禽类羽毛，羽绒	出口		
61	0506100000	经酸处理的骨胶原及骨			进出口
62	0506901110	含牛羊成分的骨废料			进出口
63	0506901190	含牛羊成分的骨粉			进出口
64	0506901910	其他骨废料			进出口
65	0506901990	其他骨粉			进出口
66	0506909021	已脱胶的豹骨			进出口
67	0506909029	未脱胶的豹骨			进出口
68	0506909031	已脱胶的濒危野生动物的骨及角柱			进出口
69	0506909039	未脱胶的濒危野生动物的骨及角柱			进出口
70	0506909091	已脱胶的其他骨及角柱			进出口
71	0506909099	未脱胶的其他骨及角柱			进出口
72	0507100020	其他濒危野生兽牙、兽牙粉末及废料	出口		
73	0507901000	羚羊角及其粉末和废料			进出口
74	0507902000	鹿茸及其粉末（海关特殊监管区域除外，但不得深加工结转和外发加工）		进口	

75	0507909000	龟壳, 鲸须, 鲸须毛, 鹿角及其他角			进出口
76	0508001010	珊瑚及濒危水产品的粉末、废料			进出口
77	0508001090	其他水产品壳、骨的粉末及废料			进出口
78	0508009010	珊瑚及濒危水产品的壳、骨			进出口
79	0508009090	其他水产品的壳、骨			进出口
80	0510009010	其他濒危野生动物胆汁及其他产品	出口		
81	0511100010	濒危野生牛的精液	出口		
82	0511911110	濒危鱼的受精卵	出口		
83	0511911910	濒危鱼的非食用产品	出口		
84	0511919010	濒危水生无脊椎动物产品	出口		
85	0511991010	濒危野生动物精液(牛的精液除外)	出口		
86	0511992010	濒危野生动物胚胎	出口		
87	0511999010	其他编号未列名濒危野生动物产品	出口		
88	0601109191	种用休眠其他濒危植物鳞茎等	出口		
89	0601109991	其他休眠濒危植物鳞茎等	出口		
90	0601200091	生长或开花的其他濒危植物鳞茎等	出口		
91	0602100010	濒危植物的无根插枝及接穗	出口		
92	0602909991	其他濒危活植物	出口		
93	0603199010	鲜的濒危植物插花及花蕾	出口		
94	0603900010	干或染色等加工濒危插花及花蕾	出口		
95	0604910010	鲜濒危植物枝、叶或其他部分, 草	出口		
96	0604990010	染色或经加工濒危枝、叶, 草等	出口		
97	0714909091	含高淀粉或菊粉其他濒危类似根茎	出口		
98	0802903020	鲜或干的其他濒危松子仁	出口		
99	0802909020	鲜或干的其他濒危松子	出口		
100	0811909022	冷冻的其他濒危松子	出口		
101	0812900022	暂时保存的其他濒危松子	出口		
102	1211201000	鲜或干的西洋参(海关特殊监管区域除外, 但不得深加工结转和外发加工)		进口	
103	1211903991	其他主要用作药料鲜或干濒危植物	出口		
104	1211905091	主要用作香料的濒危植物	出口		
105	1211909991	其他鲜或干杀虫、杀菌用濒危植物	出口		
106	1212999910	其他供人食用濒危植物产品	出口		
107	1301904010	濒危松科植物的松脂	出口		
108	1301909091	其他濒危植物的天然树胶、树脂	出口		
109	1302199013	供制农药用的濒危植物液汁及浸膏	出口		
110	1302199097	其他濒危植物液汁及浸膏	出口		
111	1302399010	未列名濒危植物胶液及增稠剂	出口		
112	1401200010	濒危藤	出口		
113	1504300010	濒危哺乳动物的油、脂及其分离品	出口		
114	1506000010	其他濒危动物为原料制取的脂肪	出口		
115	1601001010	濒危野生动物肉, 杂碎, 血制天然肠衣香肠	出口		
116	1601002010	濒危野生动物肉, 杂碎, 血制其他肠衣香肠	出口		
117	1601003010	用含濒危野生动物成分的香肠制的食品	出口		

118	1602100010	含濒危野生动物成分的均化食品	出口		
119	1602501010	含濒危野牛肉的罐头	出口		
120	1602509010	其他制作或保藏濒危野牛肉, 杂碎	出口		
121	1602901010	其他濒危野生动物肉及杂碎罐头	出口		
122	1602909010	制作或保藏其他濒危野生动物肉	出口		
123	1603000010	含濒危野生动物及鱼类成分的肉	出口		
124	1604199010	制作或保藏的濒危鱼类	出口		
125	1604201910	非整条或切块的濒危鱼罐头	出口		
126	1604209910	其他制作或保藏的濒危鱼	出口		
127	1605909010	其他制作或保藏的濒危软体动物	出口		
128	1703100000	甘蔗糖蜜		进口	
129	1703900000	其他糖蜜		进口	
130	2103901000	味精			进出口
131	2106903010	含濒危植物成分的蜂王浆制剂	出口		
132	2106909010	含濒危动植物成分的其他编号未列名食品	出口		
133	2202100010	含濒危植物成分加味, 加糖或其他甜物质水	出口		
134	2202900011	含濒危植物成分散装无酒精饮料	出口		
135	2202900091	含濒危植物成分其他包装无酒精饮料	出口		
136	2207100000	酒精浓度在80%及以上的未改性乙醇			进出口
137	2207200010	任何浓度的改性乙醇			进出口
138	2207200090	任何浓度的其他酒精			进出口
139	2208909021	含濒危野生动植物成分的薯类蒸馏酒	出口		
140	2208909091	含濒危野生动植物成分的其他蒸馏酒及酒精饮料	出口		
141	2501001100	食用盐	出口		
142	2501001900	其他盐	出口		
143	2501002000	纯氯化钠	出口		
144	2502000000	未焙烧的黄铁矿			进出口
145	2503000000	各种硫磺	出口		
146	2504101000	磷片状天然石墨	出口		
147	2504109900	其他粉末状天然石墨	出口		
148	2504900000	其他天然石墨	出口		
149	2505100000	硅砂及石英砂	出口		
150	2505900010	标准砂	出口		
151	2505900090	其他天然砂	出口		
152	2506100000	石英(天然砂除外)	出口		
153	2506200000	石英岩	出口		
154	2507001000	不论是否煅烧的高岭土	出口		
155	2507009000	不论是否煅烧的其他高岭土类似土	出口		
156	2508100000	膨润土	出口		
157	2508300000	耐火粘土	出口		
158	2508400000	其他粘土	出口		
159	2508500000	红柱石, 蓝晶石及硅线石, 不论是否煅烧	出口		

160	2508600000	富铝红柱石	出口		
161	2508700010	火泥	出口		
162	2508700090	第纳斯土	出口		
163	2509000000	白垩	出口		
164	2510101000	未碾磨磷灰石			进出口
165	2510109000	其他未碾磨天然磷酸钙			进出口
166	2510201000	已碾磨磷灰石			进出口
167	2510209000	其他已碾磨天然磷酸钙			进出口
168	2511100000	天然硫酸钡(重晶石)	出口		
169	2511200000	天然碳酸钡(毒重石)	出口		
170	2512001000	硅藻土	出口		
171	2512009000	其他硅质化石粗粉及类似的硅质土	出口		
172	2513100000	浮石	出口		
173	2513200000	刚玉岩、天然刚玉砂等天然磨料	出口		
174	2515110000	原状或粗加修整的大理石及石灰华	出口		
175	2515120000	矩形大理石及石灰华	出口		
176	2515200000	其他石灰质碑用或建筑用石, 蜡石	出口		
177	2516110000	原状或粗加修整花岗岩	出口		
178	2516120000	矩形花岗岩	出口		
179	2516200001	原状或粗加修整砂岩	出口		
180	2516200090	矩形(包括正方形)砂岩	出口		
181	2516900000	其他碑用或建筑用石	出口		
182	2518100000	未煅烧白云石	出口		
183	2518200000	已煅烧白云石	出口		
184	2518300000	夯混白云石	出口		
185	2519100000	天然碳酸镁(菱镁矿)	出口		
186	2519901000	熔凝镁氧矿	出口		
187	2519902000	烧结镁氧矿(重烧镁)	出口		
188	2519903000	碱烧镁(轻烧镁)	出口		
189	2519909100	化学纯氧化镁	出口		
190	2519909910	其他氧化镁含量在70%以上的矿产品	出口		
191	2519909990	其他氧化镁	出口		
192	2520100000	生石膏, 硬石膏	出口		
193	2520201000	牙科用熟石膏	出口		
194	2520209000	其他熟石膏	出口		
195	2521000000	石灰石助熔剂, 石灰石及其他钙石		进口	
196	2522100000	生石灰		进口	
197	2522200000	熟石灰		进口	
198	2522300000	水硬石灰		进口	
199	2523100000	水泥熟料	出口		
200	2523210000	白水泥, 不论是否人工着色	出口		
201	2523290000	其他硅酸盐水泥	出口		
202	2523300000	矾土水泥	出口		
203	2523900000	其他水凝水泥	出口		

204	2525200000	云母粉	出口		
205	2525300000	云母废料	出口		
206	2526101000	未破碎及未研粉的天然冻石	出口		
207	2526102000	未破碎及未研粉的滑石	出口		
208	2526201000	已破碎或已研粉的天然冻石	出口		
209	2526202000	已破碎或已研粉的滑石	出口		
210	2528100000	天然硼砂及其精矿	出口		
211	2528900000	其他天然硼酸盐及精矿;天然粗硼酸, 含硼酸干重不超过85%	出口		
212	2529100000	长石	出口		
213	2529210000	按重量计氟化钙含量≤97%的萤石	出口		
214	2529220000	按重量计氟化钙含量>97%的萤石	出口		
215	2529300000	白榴石, 霞石及霞石正长岩	出口		
216	2530101000	未膨胀的绿泥石	出口		
217	2530102000	未膨胀的蛭石及珍珠岩	出口		
218	2530200000	硫镁矾矿及泻盐矿(天然硫酸镁)	出口		
219	2530901000	矿物性药材	出口		
220	2530902000	稀土金属矿			进出口
221	2530909100	硅灰石	出口		
222	2530909901	天青石	出口		
223	2530909910	废镁砖	出口		
224	2530909920	叶腊石	出口		
225	2530909991	其他品目未列名氧化镁含量在70%及以上的矿产品	出口		
226	2530909999	其他矿产品	出口		
227	2601111000	未烧结铁矿砂及其精矿(非钢铁冶炼行业除外)		进口	
228	2601112000	未烧结铁矿砂及其精矿(非钢铁冶炼行业除外)		进口	
229	2601119000	平均粒度大于6.3毫米的未烧结铁矿砂及其精矿(非钢铁冶炼行业除外)		进口	
230	2601120000	已烧结铁矿砂及其精矿(非钢铁冶炼行业除外)		进口	
231	2601200000	焙烧黄铁矿		进口	
232	2602000000	锰矿砂及其精矿		进口	
233	2603000010	铜矿砂及其精矿		进口	
234	2603000090	铜矿砂及其精矿		进口	
235	2604000001	镍矿砂及其精矿(黄金价值部分)		进口	
236	2604000090	镍矿砂及其精矿(黄金价值部分)		进口	
铜矿砂和镍矿砂4个商品编码按照《商务部海关总署关于开展铜精矿加工贸易有关问题的通知》(商产函[2009]3号)执行					
237	2606000000	铝矿砂及其精矿		进口	
238	2607000001	铅矿砂及其精矿		进口	
239	2607000090	铅矿砂及其精矿		进口	

240	2608000001	灰色饲料氧化锌(氧化锌ZnO含量大于80%)		进口	
241	2608000090	其他锌矿砂及其精矿		进口	
242	2609000000	锡矿砂及其精矿		进口	
243	2610000000	铬矿砂及其精矿		进口	
244	2611000000	钨矿砂及其精矿		进口	
245	2612100000	铀矿砂及其精矿		进口	
246	2612200000	钍矿砂及其精矿		进口	
247	2613100000	已焙烧钼矿砂及其精矿		进口	
248	2613900000	其他钼矿砂及其精矿		进口	
249	2614000000	钛矿砂及其精矿		进口	
250	2615100000	锆矿砂及其精矿		进口	
251	2615901000	水合钽铌原料		进口	
252	2615909010	铌, 钽精矿及其矿砂		进口	
253	2615909090	钒矿砂; 钒精矿		进口	
254	2616100000	银矿砂及其精矿		进口	
255	2616900001	黄金矿砂		进口	
256	2616900009	其他贵金属矿砂及其精矿		进口	
257	2617101000	生锑(锑精矿, 选矿产品)		进口	
258	2617109001	其他锑矿砂及其精矿		进口	
259	2617109090	其他锑矿砂及其精矿		进口	
260	2617901000	朱砂(辰砂)		进口	
261	2617909000	其他矿砂及其精矿		进口	
262	2618001000	主要含锰的冶炼钢铁产生的粒状熔渣		进口	
263	2618009000	其他的冶炼钢铁产生的粒状熔渣		进口	
264	2619000010	轧钢产生的氧化皮		进口	
265	2619000020	冶炼钢铁所产生的含钒浮渣、熔渣		进口	
266	2619000090	冶炼钢铁产生的其他熔渣, 浮渣及其他废料		进口	
267	2620110000	含硬锌的矿渣、矿灰及残渣		进口	
268	2620190010	含锌大于12%的烧结铅锌冶炼矿渣		进口	
269	2620190090	含其他锌的矿渣、矿灰及残渣		进口	
270	2620400000	主要含铝的矿渣、矿灰及残渣		进口	
271	2620999010	含五氧化二钒>10%的矿渣、矿灰及残渣		进口	
272	2621900010	海藻灰及其他植物灰(包括稻壳灰)		进口	
273	2621900090	其他矿渣及矿灰		进口	
274	2701110090	无烟煤滤料			进出口
275	2701121000	未制成型的炼焦煤			进出口
276	2701129000	其他烟煤			进出口
277	2701190000	其他煤			进出口
278	2701200000	煤砖、煤球及类似用煤制固体燃料		进口	
279	2702100000	褐煤			进出口
280	2703000010	泥炭(草炭)			进出口
281	2703000090	泥煤(包括肥料用泥煤)			进出口
282	2704001000	焦炭或半焦炭			进出口

283	2704009000	甑炭			进出口
284	2705000000	煤气、水煤气、炉煤气及类似气体			进出口
285	2706000001	含蒽油≥50%及沥青≥40%的“炭黑油”			进出口
286	2706000090	其他从煤、褐煤、或泥煤蒸馏所得的焦油及矿物焦油			进出口
287	2707100000	粗苯	出口		
288	2707200000	粗甲苯	出口		
289	2707300000	粗二甲苯	出口		
290	2707400000	萘	出口		
291	2707500000	其他芳烃混合物	出口		
292	2707910000	杂酚油	出口		
293	2707991000	酚	出口		
294	2707999000	蒸馏煤焦油所得的其他产品	出口		
295	2708100000	沥青			进出口
296	2708200001	针状沥青焦			进出口
297	2708200090	其他沥青焦			进出口
298	2710111001	车用汽油及航空汽油		进口	
299	2710111002	车用汽油及航空汽油		进口	
300	2710113000	橡胶溶剂油、油漆溶剂油、抽提溶剂油	出口		
301	2710119101	壬烯	出口		
302	2710119190	其他壬烯	出口		
303	2710119910	异戊烯同分异构体混合物	出口		
304	2710119990	其他轻油及制品	出口		
305	2710191100	航空煤油		进口	
306	2710191200	灯用煤油		进口	
307	2710191910	正构烷烃(C9-C13)	出口		
308	2710191990	其他煤油馏分的油及制品	出口		
309	2710192100	轻柴油		进口	
310	2710192200	5-7号燃料油		进口	
311	2710192910	蜡油			进出口
312	2710192920	重柴油			进出口
313	2710192990	其他柴油及燃料油		进口	
314	2710199900	其他重油;其他重油制品			进出口
315	2711140000	液化的乙烯、丙烯、丁烯及丁二烯			进出口
316	2711290000	其他气态石油气及烃类气		进口	
317	2713111000	硫的重量百分比小于3%的未煅烧石油焦		进口	
318	2713119000	其他未煅烧石油焦		进口	
319	2713129000	其他已煅烧石油焦		进口	
320	2713200000	石油沥青		进口	
321	2713900000	其他石油等矿物油类的残渣			进出口
322	2714100000	沥青页岩、油页岩及焦油砂			进出口
323	2714901000	天然沥青(地沥青)			进出口
324	2714902000	乳化沥青			进出口
325	2714909000	沥青岩			进出口

326	2715000000	天然沥青等为基本成分沥青混合物			进出口
327	2801100000	氯	出口		
328	2801200000	碘	出口		
329	2801301000	氟	出口		
330	2801302000	溴	出口		
331	2802000000	升华、沉淀、胶态硫磺	出口		
332	2803000000	碳	出口		
333	2804100000	氢	出口		
334	2804210000	氩	出口		
335	2804290000	其他稀有气体	出口		
336	2804300000	氮	出口		
337	2804400000	氧	出口		
338	2804500010	颗粒<500 μ m的硼及其合金	出口		
339	2804500020	能量密度>40MJ/kg的硼浆	出口		
340	2804690000	其他含硅量少于99.99%的硅			进出口
341	2804701000	黄磷(白磷)			进出口
342	2804709010	红磷			进出口
343	2804709090	其他磷			进出口
344	2804800000	砷	出口		
345	2805110000	钠	出口		
346	2805120010	高纯度钙	出口		
347	2805120090	其他钙	出口		
348	2805190000	其他碱金属及碱土金属	出口		
349	2805301100	铈	出口		
350	2805301200	镨	出口		
351	2805301300	铽	出口		
352	2805301911	金属镧	出口		
353	2805301912	金属铈	出口		
354	2805301913	金属钐	出口		
355	2805301914	金属铈	出口		
356	2805301915	金属铈	出口		
357	2805301916	金属铈	出口		
358	2805301921	颗粒<500 μ m的铈及其合金	出口		
359	2805301929	其他金属铈	出口		
360	2805301990	其他稀土金属	出口		
361	2805302100	电池级的稀土金属、铈及铈	出口		
362	2805302900	其他稀土金属、铈及铈	出口		
363	2805400000	汞	出口		
364	2806100000	氯化氢(盐酸)	出口		
365	2806200000	氯磺酸	出口		
366	2807000010	硫酸	出口		
367	2807000090	发烟硫酸	出口		
368	2808000010	红发烟硝酸	出口		
369	2808000090	磺硝酸及其他硝酸	出口		

370	2809100000	五氧化二磷	出口		
371	2809201100	食品级磷酸	出口		
372	2809201900	其他磷酸及偏磷酸、焦磷酸	出口		
373	2809209000	其他多磷酸	出口		
374	2810001000	硼的氧化物	出口		
375	2810002000	硼酸	出口		
376	2811110000	氢氟酸	出口		
377	2811191000	氢氰酸	出口		
378	2811199010	氢碘酸	出口		
379	2811199020	砷酸、焦砷酸、偏砷酸	出口		
380	2811199090	其他无机酸	出口		
381	2811210000	二氧化碳	出口		
382	2811220000	二氧化硅	出口		
383	2811290010	三氧化二砷、五氧化二砷	出口		
384	2811290020	四氧化二氮	出口		
385	2812103000	碳酰二氯(光气)	出口		
386	2812104100	一氯化硫(氯化硫)	出口		
387	2812104200	二氯化硫	出口		
388	2812104300	三氯化磷	出口		
389	2812104400	三氯化砷	出口		
390	2812104500	五氯化磷	出口		
391	2812104900	其他非金属氯化物	出口		
392	2812109000	其他非金属氯氧化物	出口		
393	2812900010	三氟化氯	出口		
394	2812900020	三氟化砷, 三溴化砷, 三碘化砷	出口		
395	2812900030	硫酰氟	出口		
396	2812900090	其他非金属卤化物及卤氧化物	出口		
397	2813100000	二硫化碳	出口		
398	2813900010	五硫化二磷	出口		
399	2813900090	其他非金属硫化物, 三硫化二磷	出口		
400	2814100000	氨	出口		
401	2814200000	氨水	出口		
402	2815300000	过氧化钠及过氧化钾	出口		
403	2816100000	氢氧化镁及过氧化镁	出口		
404	2816400000	锶或钡的氧化物、氢氧化物	出口		
405	2817001000	氧化锌	出口		
406	2817009000	过氧化锌	出口		
407	2818101000	棕刚玉	出口		
408	2818109000	其他人造刚玉	出口		
409	2818200000	氧化铝, 但人造刚玉除外(非电解铝行业除外)		进口	
410	2818300000	氢氧化铝	出口		
411	2819100000	三氧化铬	出口		
412	2820100000	二氧化锰	出口		

413	2820900000	其他锰的氧化物	出口		
414	2821200000	土色料	出口		
415	2823000000	钛的氧化物	出口		
416	2824100000	一氧化铅(铅黄, 黄丹)	出口		
417	2824901000	铅丹及铅橙(四氧化(三) 铅)	出口		
418	2824909000	其他铅的氧化物	出口		
419	2825109000	其他胂、胍及其无机盐	出口		
420	2825201000	氢氧化锂	出口		
421	2825209000	锂的氧化物	出口		
422	2825301000	五氧化二钒	出口		
423	2825309000	其他钒的氧化物及氢氧化物	出口		
424	2825400000	镍的氧化物及氢氧化物	出口		
425	2825500000	铜的氧化物及氢氧化物	出口		
426	2825600001	锆的氧化物	出口		
427	2825600090	二氧化锆	出口		
428	2825700000	钼的氧化物及氢氧化物	出口		
429	2825901100	钨酸	出口		
430	2825901200	三氧化钨	出口		
431	2825901910	蓝色氧化钨	出口		
432	2825901990	其他钨的氧化物及氢氧化物	出口		
433	2825909000	其他金属的氧化物及氢氧化物	出口		
434	2826120000	氟化铝	出口		
435	2826191010	氟化氢铵	出口		
436	2826191090	其他铵的氟化物	出口		
437	2826192010	氟化钠	出口		
438	2826192020	氟化氢钠	出口		
439	2826192090	其他钠的氟化物	出口		
440	2826199010	氟化钾	出口		
441	2826199020	氟化氢钾	出口		
442	2826199030	氟化铅, 四氟化铅, 氟化镉	出口		
443	2826199090	其他氟化物	出口		
444	2826901000	氟硅酸盐	出口		
445	2826909001	六氟磷酸锂	出口		
446	2826909010	氟钽酸钾	出口		
447	2826909090	氟铝酸盐及其他氟络盐	出口		
448	2827101000	肥料用氯化铵	出口		
449	2827109000	非肥料用氯化铵	出口		
450	2827200000	氯化钙	出口		
451	2827310000	氯化镁	出口		
452	2827320000	氯化铝	出口		
453	2827350000	氯化镍	出口		
454	2827391000	氯化锂	出口		
455	2827392000	氯化钡	出口		
456	2827410000	铜的氯氧化物及氢氧基氯化物	出口		

457	2827499000	其他氯氧化物及氢氧基氯化物	出口		
458	2827510000	溴化钠及溴化钾	出口		
459	2827590000	其他溴化物及溴氧化物	出口		
460	2827600000	碘化物及碘氧化物	出口		
461	2829110000	氯酸钠	出口		
462	2829191000	氯酸钾(洋硝)	出口		
463	2829199000	其他氯酸盐	出口		
464	2829900010	颗粒 $\leq 500\ \mu\text{m}$ 的球形高氯酸铵	出口		
465	2829900090	其他高氯酸盐, 溴酸盐等	出口		
466	2830101000	硫化钠	出口		
467	2830109000	其他钠的硫化物	出口		
468	2830902000	硫化锑	出口		
469	2830909000	其他硫化物、多硫化物	出口		
470	2831101000	钠的连二亚硫酸盐	出口		
471	2831102000	钠的次硫酸盐	出口		
472	2831900000	其他连二亚硫酸盐及次硫酸盐	出口		
473	2832100000	钠的亚硫酸盐	出口		
474	2832200000	其他亚硫酸盐	出口		
475	2832300000	硫代硫酸盐	出口		
476	2833110000	硫酸二钠	出口		
477	2833190000	钠的其他硫酸盐	出口		
478	2833210000	硫酸镁	出口		
479	2833220000	硫酸铝	出口		
480	2833240000	镍的硫酸盐	出口		
481	2833250000	铜的硫酸盐	出口		
482	2833270000	硫酸钡	出口		
483	2833291000	硫酸亚铁	出口		
484	2833293000	硫酸锌	出口		
485	2833301000	钾铝矾	出口		
486	2833309000	其他矾	出口		
487	2833400000	过硫酸盐	出口		
488	2834100000	亚硝酸盐	出口		
489	2834211000	肥料用硝酸钾	出口		
490	2834219000	非肥料用硝酸钾	出口		
491	2834291000	硝酸钴	出口		
492	2834299001	硝酸钡	出口		
493	2834299090	其他硝酸盐	出口		
494	2835311000	食品级的三磷酸钠(三聚磷酸钠)	出口		
495	2835319000	其他三磷酸钠(三聚磷酸钠)	出口		
496	2836200000	碳酸钠(纯碱)	出口		
497	2836300000	碳酸氢钠(小苏打)	出口		
498	2836400000	钾的碳酸盐	出口		
499	2836500000	碳酸钙	出口		
500	2836600000	碳酸钡	出口		

501	2836910000	锂的碳酸盐	出口		
502	2836920000	锶的碳酸盐	出口		
503	2836991000	碳酸镁	出口		
504	2836994000	商品碳酸铵及其他铵的碳酸盐	出口		
505	2837111000	氰化钠	出口		
506	2837112000	氧氰化钠	出口		
507	2837191000	氰化钾	出口		
508	2837199011	氰化锌, 氰化亚铜, 氰化铜	出口		
509	2837199012	氰化镍, 氰化钙	出口		
510	2837199013	氰化钡, 氰化镉, 氰化铅	出口		
511	2837199014	氰化钴	出口		
512	2837199090	其他氰化物及氧氰化物	出口		
513	2837200011	氰化镍钾, 氰化钠铜锌	出口		
514	2837200012	氰化亚铜(三)钠, 氰化亚铜(三)钾	出口		
515	2837200090	其他氰络合物	出口		
516	2839190000	其他钠盐	出口		
517	2839900010	硅酸铅	出口		
518	2839900090	其他硅酸盐; 商品碱金属硅酸盐	出口		
519	2840190000	其他四硼酸钠	出口		
520	2840200000	其他硼酸盐	出口		
521	2840300000	过硼酸盐	出口		
522	2841300000	重铬酸钠	出口		
523	2841500000	其他铬酸盐及重铬酸盐, 过铬酸盐	出口		
524	2841701000	钼酸铵	出口		
525	2841709000	其他钼酸盐	出口		
526	2841801000	仲钨酸铵	出口		
527	2841802000	钨酸钠	出口		
528	2841803000	钨酸钙	出口		
529	2841804000	偏钨酸铵	出口		
530	2841809000	其他钨酸盐	出口		
531	2842100000	硅酸复盐及硅酸络盐	出口		
532	2842901000	雷酸盐, 氰酸盐及硫氰酸盐	出口		
533	2842909013	亚砷酸钠, 亚砷酸钾, 亚砷酸钙	出口		
534	2842909014	亚砷酸锶, 亚砷酸钡, 亚砷酸铁	出口		
535	2842909015	亚砷酸铜, 亚砷酸锌, 亚砷酸铅	出口		
536	2842909016	亚砷酸铋, 砷酸铵, 砷酸氢二铵	出口		
537	2842909017	砷酸钠, 砷酸氢二钠, 砷酸二氢钠	出口		
538	2842909018	砷酸钾, 砷酸二氢钾, 砷酸镁	出口		
539	2842909019	砷酸钙, 砷酸钡, 砷酸铁	出口		
540	2842909021	砷酸亚铁, 砷酸铜, 砷酸锌	出口		
541	2842909022	砷酸铅, 砷酸铋, 偏砷酸钠	出口		
542	2842909023	硒化铅, 硒化镉, 碲化镉	出口		
543	2843210000	硝酸银	出口		
544	2843290010	氰化银, 氰化银钾, 亚砷酸银	出口		

545	2843290090	其他银化合物	出口		
546	2844100000	天然铀及其化合物	出口		
547	2844200000	U235浓缩铀, 钚及其化合物	出口		
548	2844300000	U235贫化铀, 钍及其化合物	出口		
549	2844401010	镭-226及其化合物	出口		
550	2844401090	其他镭及镭盐	出口		
551	2844402000	放射性钍及放射性钍盐	出口		
552	2844409010	铀-233及其化合物	出口		
553	2844409090	其他放射性元素同位素及其化合物	出口		
554	2844500000	核反应堆已耗尽的燃料元件	出口		
555	2845100000	重水(氧化氘)	出口		
556	2845900010	除重水外的氘及氘化物	出口		
557	2845900020	硼-10同位素及其化合物、混合物	出口		
558	2845900030	富集锂-6同位素及其化合物混合物	出口		
559	2845900090	其他同位素及其他化合物	出口		
560	2846101000	氧化铈	出口		
561	2846102000	氢氧化铈	出口		
562	2846103000	碳酸铈	出口		
563	2846109010	氟化铈	出口		
564	2846109090	铈的其他化合物	出口		
565	2846901100	氧化钇	出口		
566	2846901200	氧化镧	出口		
567	2846901300	氧化铈	出口		
568	2846901400	氧化铈	出口		
569	2846901500	氧化镨	出口		
570	2846901600	氧化铈	出口		
571	2846901920	氧化铈	出口		
572	2846901930	氧化钆	出口		
573	2846901940	氧化钆	出口		
574	2846901950	氧化镨	出口		
575	2846901970	氧化铈	出口		
576	2846901980	氧化钆	出口		
577	2846901991	灯用红粉	出口		
578	2846901999	其他氧化稀土	出口		
579	2846902800	混合氯化稀土	出口		
580	2846902900	未混合氯化稀土	出口		
581	2846903000	氟化稀土	出口		
582	2846904800	混合碳酸稀土	出口		
583	2846904900	未混合碳酸稀土	出口		
584	2846909000	稀土金属、钇、铈的其他化合物	出口		
585	2847000000	过氧化氢	出口		
586	2848000010	磷化铝, 磷化锌	出口		
587	2848000090	其他磷化物	出口		
588	2849100000	碳化钙	出口		

589	2849200000	碳化硅	出口		
590	2849901000	碳化硼	出口		
591	2849902000	碳化钨	出口		
592	2849909000	其他碳化物	出口		
593	2850000010	砷化氢	出口		
594	2852000000	汞的无机或有机化合物, 汞齐除外			进出口
595	2853001000	饮用蒸馏水	出口		
596	2853002000	氯化氰			进出口
597	2853009010	饮用纯净水	出口		
598	2853009021	氰, 氰化碘, 氰化溴等	出口		
599	2853009022	砷化锌, 砷化镓	出口		
600	2853009030	单氰胺			进出口
601	2853009090	其他无机化合物、压缩空气等			进出口
602	2903410000	三氯氟甲烷			进出口
603	2903420000	二氯二氟甲烷			进出口
604	2903430010	三氯三氟乙烷, 用于清洗剂除外			进出口
605	2903440010	二氯四氟乙烷			进出口
606	2903440090	氯五氟乙烷			进出口
607	2903451000	氯三氟甲烷			进出口
608	2903491011	一氟二氯甲烷	出口		
609	2903491013	一氟一氯甲烷	出口		
610	2903491014	一氟四氯乙烷	出口		
611	2903491015	二氟三氯乙烷	出口		
612	2903491016	1, 1, 1-三氟-2, 2-二氯乙烷	出口		
613	2903491017	1, 1, 1, 2-四氟-2-氯乙烷	出口		
614	2903491018	一氟三氯乙烷	出口		
615	2903491019	二氟二氯乙烷	出口		
616	2903491021	三氟一氯乙烷	出口		
617	2903491022	一氟二氯乙烷	出口		
618	2903491023	1-氟-1, 1-二氯乙烷	出口		
619	2903491024	二氟一氯乙烷	出口		
620	2903491025	1, 1-二氟-1-氯乙烷	出口		
621	2903491026	一氟一氯乙烷	出口		
622	2903510010	林丹 (ISO, INN)			进出口
623	2903510090	1, 2, 3, 4, 5, 6-六氯环己烷 {六六六 (ISO)}			进出口
624	2903520010	艾氏剂 (ISO) 及七氯 (ISO)			进出口
625	2903520090	氯丹 (ISO)			进出口
626	2903590030	灭蚁灵			进出口
627	2903620000	六氯苯 (ISO) 及滴滴涕 (ISO, INN)			进出口
628	2906290010	三氯杀螨醇、杀螨醇	出口		
629	2908110000	五氯苯酚			进出口
630	2908199090	其他仅含卤素取代基的衍生物及盐 (非农药生产的除外)			进出口
631	2908910000	地乐酚及其盐和酯			进出口

632	2910200000	甲基环氧乙烷(氧化丙烯)	出口		
633	2910300000	环氧丙烷（表氯醇）（进口甘油出口环氧氯丙烷除外）	出口		
634	2914400010	敌鼠钠	出口		
635	2918180000	乙酯杀螨醇			进出口
636	2920110000	对硫磷(ISO)及甲基对硫磷(ISO)			进出口
637	2922422000	谷氨酸钠	出口		
638	2922500010	曲马多	出口		
639	2922500090	其他氨基醇酚、氨基酸酚	出口		
640	2924120090	久效磷（ISO）及磷胺（ISO）			进出口
641	2929909012	异柳磷、甲基异柳磷、丙胺氟磷等	出口		
642	2930500010	甲胺磷(ISO)			进出口
643	2930500020	敌菌丹(ISO)			进出口
644	2930909052	灭多威、涕灭威、乙硫苯威等	出口		
645	2931000012	氯沙林、氯梭曼			进出口
646	2931000013	2-氯乙烯基二氯肿	出口		
647	2931000014	二(2-氯乙烯基)氯肿	出口		
648	2931000015	三(2-氯乙烯基)肿	出口		
649	2931000022	锆试剂,二甲肿酸等	出口		
650	2931000023	4-氨基苯肿酸钠,二氯化苯肿	出口		
651	2931000024	蒽醌-1-肿酸,三环锡(普特丹)等	出口		
652	2931000028	乙酰亚砷酸铜,二苯(基)胺氯肿	出口		
653	2931000029	3-硝基-4-羟基苯肿酸	出口		
654	2931000035	乙基二氯肿,二苯(基)氯肿等	出口		
655	2931000036	甲(基)肿酸,丙(基)肿酸,二碘化苯肿等	出口		
656	2931000037	苯肿酸,2-硝基苯肿酸等	出口		
657	2931000038	4-硝基苯肿酸,2-氨基苯肿酸	出口		
658	2931000039	3-氨基苯肿酸,4-氨基苯肿酸	出口		
659	2932290011	杀鼠灵,克鼠灵,敌鼠灵,溴鼠灵等	出口		
660	2932290013	蝇毒磷,茛蒿素,溴敌隆,呋酰胺等	出口		
661	2932999011	克百威	出口		
662	2932999091	其他濒危植物提取的仅含氧杂原子的杂环化合物	出口		
663	3001200010	其他濒危野生动物腺体,器官,	出口		
664	3001909091	其他濒危动物制品	出口		
665	3002909011	濒危动物血制品	出口		
666	3003909020	含其他未列名濒危动植物混合药品	出口		
667	3004905110	含濒危动植物成分的中药酒	出口		
668	3004909020	含紫杉醇成分的药品			进出口
669	3101001100	未经化学处理的鸟粪			进出口
670	3101001910	未经化学处理的森林凋落物			进出口
671	3101001990	未经化学处理的其他动植物肥料			进出口
672	3101009010	经化学处理含动物源性成分(如粪、羽毛等)动植物肥料			进出口

673	3101009090	经化学处理的其他动植物肥料			进出口
674	3102100001	尿素			进出口
675	3102100090	尿素			进出口
676	3102210000	硫酸铵			进出口
677	3102290000	硫酸铵和硝酸铵的复盐及混合物			进出口
678	3102300000	硝酸铵			进出口
679	3102400000	硝酸铵与碳酸钙等的混合物			进出口
680	3102500000	硝酸钠			进出口
681	3102600000	硝酸钙和硝酸铵的复盐及混合物			进出口
682	3102800000	尿素及硝酸铵混合物的水溶液			进出口
683	3102901000	氰氨化钙			进出口
684	3102909000	其他矿物氮肥及化学氮肥			进出口
685	3103101000	重过磷酸钙			进出口
686	3103109000	其他过磷酸钙			进出口
687	3103900000	其他矿物磷肥或化学磷肥			进出口
688	3104201000	分析纯的氯化钾			进出口
689	3104209000	其他氯化钾			进出口
690	3104300000	硫酸钾			进出口
691	3104901000	光卤石, 钾盐及其他天然粗钾盐			进出口
692	3104909000	其他矿物钾肥及化学钾肥			进出口
693	3105100010	制成片状及类似形状或零售包装的硝酸铵			进出口
694	3105100090	制成片状及类似形状或零售包装的31章其他货品			进出口
695	3105200001	化学肥料或矿物肥料			进出口
696	3105200090	化学肥料或矿物肥料			进出口
697	3105300001	磷酸氢二铵			进出口
698	3105300090	磷酸氢二铵			进出口
699	3105400000	磷酸二氢铵			进出口
700	3105510000	含有硝酸盐及磷酸盐的肥料			进出口
701	3105590000	其他含氮、磷两种元素肥料			进出口
702	3105600000	含磷、钾两种元素的肥料			进出口
703	3105900000	其他肥料			进出口
704	3201100000	坚木浸膏	出口		
705	3201200000	荆树皮浸膏	出口		
706	3201901010	其他濒危植物鞣料浸膏	出口		
707	3201901090	其他植物鞣料浸膏	出口		
708	3201909000	鞣酸及其盐、醚、酯和其他衍生物	出口		
709	3202100000	有机合成鞣料	出口		
710	3202900000	无机鞣料、鞣料制剂等	出口		
711	3203001100	天然靛蓝及以其为基本成分的制品	出口		
712	3203001910	濒危植物物质着色料及制品	出口		
713	3203001990	其他植物物质着色料及制品	出口		
714	3204120000	酸性染料及制品、媒染染料及制品	出口		
715	3204130000	碱性染料及以其为基本成分的制品	出口		

716	3204140000	直接染料及以其为基本成分的制品	出口		
717	3204159000	其他还原染料及以其为基本成分品	出口		
718	3204170000	颜料及以其为基本成分的制品	出口		
719	3204191100	硫化黑及以其为基本成分的制品	出口		
720	3204191900	其他硫化染料及以其为基本成分品	出口		
721	3204199000	其他着色料组成的混合物	出口		
722	3204200000	用作萤光增白剂的有机合成产品	出口		
723	3204901000	生物染色剂及染料指示剂	出口		
724	3204909000	其他用作发光体的有机合成产品	出口		
725	3205000000	色淀及以色淀为基本成分的制品	出口		
726	3206111000	钛白粉	出口		
727	3206119000	其他干量计二氧化钛 $\geq 80\%$ 的颜料	出口		
728	3206190000	其他二氧化钛为基料的颜料及制品	出口		
729	3206200000	铬化合物为基本成分的颜料及制品	出口		
730	3206410000	群青及以其为基本成分的制品	出口		
731	3206429000	其他以硫化锌为基本成份的颜料	出口		
732	3206490000	其他无机着色料及其制品	出口		
733	3206500000	用作发光体的无机产品	出口		
734	3207100000	调制颜料, 遮光剂, 着色剂及类似品	出口		
735	3207200000	珐琅和釉料、釉底料及类似制品	出口		
736	3207300000	光瓷釉及类似制品	出口		
737	3207400000	呈粉、粒状搪瓷玻璃料及其他玻璃	出口		
738	3208100000	溶于非水介质的聚酯油漆及清漆等	出口		
739	3208201001	分散于或溶于非水介质的光导纤维用涂料	出口		
740	3208201090	其他聚丙烯酸油漆、清漆等	出口		
741	3208202000	溶于非水介质的聚乙烯油漆及清漆	出口		
742	3208901001	分散于或溶于非水介质的光导纤维用涂料	出口		
743	3208901090	其他聚胺酯油漆清漆等	出口		
744	3208909000	溶于非水介质其他油漆、清漆溶液	出口		
745	3209100000	溶于水介质的聚丙烯酸油漆及清漆	出口		
746	3209901000	以环氧树脂为基本成分油漆及清漆	出口		
747	3209902000	以氟树脂为基本成分的油漆及清漆	出口		
748	3209909000	溶于水介质其他聚合物油漆及清漆	出口		
749	3210000000	其他油漆及清漆, 皮革用水性颜料	出口		
750	3211000000	配制的催干剂	出口		
751	3212100000	压印箔	出口		
752	3212900000	制漆用颜料及零售包装染料、色料	出口		
753	3213100000	成套的颜料	出口		
754	3213900000	非成套颜料、调色料及类似品	出口		
755	3214100000	安装玻璃用油灰等; 漆工用填料(环氧树脂出口除外)	出口		
756	3214900000	非耐火涂面制剂	出口		
757	3215110000	黑色印刷油墨	出口		
758	3215190000	其他印刷油墨	出口		

759	3215901000	书写墨水	出口		
760	3215909000	绘图墨水及其他墨类	出口		
761	3301299991	其他非柑桔属濒危植物果实的精油	出口		
762	3301309010	其他濒危植物香膏	出口		
763	3301901010	濒危植物提取的油树脂	出口		
764	3304990091	其他含濒危植物成分美容品或化妆品	出口		
765	3305100010	含濒危植物成分的洗发剂	出口		
766	3306101010	含濒危植物成分牙膏	出口		
767	3404900000	其他人造蜡及调制蜡	出口		
768	3406000010	含濒危动物成分的蜡烛及类似品	出口		
769	3802100000	活性碳	出口		
770	3802900010	濒危动物炭黑	出口		
771	3802900090	活性天然矿产品;其他动物炭黑	出口		
772	3805100000	松节油	出口		
773	3805901000	以α蒎品醇为基本成分的松油	出口		
774	3805909000	粗制二聚戊烯;亚硫酸盐松节油等	出口		
775	3808501010	零售包装的含有一种38章子目注释一列所列物质的货品			进出口
776	3808501090	零售包装含多种38章子目注释一列所列物质的货品			进出口
777	3808509010	非零售包装的含有一种38章子目注释一列所列物质的货品			进出口
778	3808509090	非零售包装含多种38章子目注释一列所列物质的货品			进出口
779	3808911900	零售包装的其他杀虫剂成药			进出口
780	3808919000	非零售包装杀虫剂成药			进出口
781	3808921000	零售包装的杀菌剂成药			进出口
782	3808929010	非零售包装的医用杀菌剂			进出口
783	3808929021	经农药杀菌剂浸渍的纸质水果套袋			进出口
784	3808929029	非零售包装的其他农用杀菌剂成药			进出口
785	3808929090	非零售包装的非农用杀菌剂成药			进出口
786	3808931100	零售包装的除草剂成药			进出口
787	3808931900	非零售包装的除草剂成药			进出口
788	3808939100	零售包装抗萌剂及植物生长调节剂			进出口
789	3808939900	非零售抗萌剂及植物生长调节剂			进出口
790	3808940010	医用消毒剂			进出口
791	3808940090	非医用消毒剂			进出口
792	3808991000	零售包装的杀鼠剂及其他农药			进出口
793	3808999000	非零售包装的杀鼠剂及其他农药			进出口
794	3824300010	混合的未烧结金属碳化钨	出口		
795	3824300090	其他混合的未烧结金属碳化物	出口		
796	3824710011	二氯二氟甲烷和二氟乙烷的混合物			进出口
797	3824710012	一氯二氟甲烷和二氯二氟甲烷的混合物			进出口
798	3824710013	一氯二氟甲烷和一氯五氟乙烷的混合物			进出口

799	3824710014	三氟甲烷和一氯三氟甲烷的混合物			进出口
800	3824710015	二氟甲烷和一氯五氟乙烷的混合物			进出口
801	3824710016	二氯二氟甲烷和一氟一氯甲烷的混合物			进出口
802	3824710017	一氟一氯甲烷和二氯四氟乙烷的混合物			进出口
803	3824710018	二氯二氟甲烷和二氯四氟乙烷的混合物			进出口
804	3824710090	其他含甲烷、乙烷或丙烷的全氯氟烃(CFCs)混合物			进出口
805	3824790000	其他含甲烷、乙烷或丙烷的卤化衍生物的混合物			进出口
806	3824909910	粗制碳化硅	出口		
807	3922200010	含濒危动物成分的塑料马桶座圈及盖	出口		
808	4004000090	未硫化橡胶废碎料、下脚料及其粉、粒		进口	
809	4101201110	规定重量退鞣整张生濒危野牛皮		进口	
810	4101201190	规定重量退鞣处理整张生牛皮		进口	
811	4101201910	规定重量非退鞣整张濒危生野牛皮		进口	
812	4101201990	规定重量非退鞣处理整张生牛皮		进口	
813	4101202010	规定重量整张濒危生野马皮		进口	
814	4101202090	规定重量整张生马皮		进口	
815	4101501110	重>16kg退鞣整张濒危生野牛皮		进口	
816	4101501190	重>16kg退鞣处理整张生牛皮		进口	
817	4101501910	重>16kg非退鞣整张濒危生野牛皮		进口	
818	4101501990	重>16kg非退鞣处理整张生牛皮		进口	
819	4101502010	重>16kg整张濒危生野马皮		进口	
820	4101502090	重>16kg整张生马皮		进口	
821	4101901110	其他退鞣处理濒危生野牛皮		进口	
822	4101901190	其他退鞣处理生牛皮		进口	
823	4101901910	其他濒危生野牛皮		进口	
824	4101901990	其他生牛皮		进口	
825	4101902010	其他濒危生野马皮		进口	
826	4101902090	其他生马皮		进口	
827	4102100000	带毛的绵羊或羔羊生皮		进口	
828	4102211000	浸酸退鞣不带毛绵羊或羔羊生皮		进口	
829	4102219000	浸酸非退鞣不带毛绵羊或羔羊生皮		进口	
830	4102291000	其他不带毛退鞣绵羊或羔羊生皮		进口	
831	4102299000	其他不带毛非退鞣绵羊或羔羊生皮		进口	
832	4103200000	爬行动物的生皮		进口	
833	4103300010	生鹿豚、姬猪皮		进口	
834	4103300090	生猪皮		进口	
835	4103901100	退鞣山羊板皮		进口	
836	4103901900	非退鞣山羊板皮		进口	
837	4103902100	其他退鞣山羊或小山羊皮		进口	
838	4103902900	其他非退鞣山羊或小山羊皮		进口	
839	4103909010	其他濒危野生动物生皮		进口	
840	4103909090	其他生皮		进口	

进口4101-					
4103产品直接出口皮革制成品及其他制品或用于深加工结转的除外, 具体按2009年					
841	4104111110	蓝湿濒危野牛皮	出口		
842	4104111190	全粒面未剖层或粒面剖层蓝湿牛皮	出口		
843	4104111910	湿濒危野牛皮	出口		
844	4104111990	全粒面未剖层或粒面剖层湿牛皮	出口		
845	4104112010	湿濒危野马皮	出口		
846	4104112090	全粒面未剖层或粒面剖层湿马皮	出口		
847	4104191110	其他蓝湿濒危野牛皮	出口		
848	4104191190	其他蓝湿牛皮	出口		
849	4104191910	其他湿濒危野牛皮	出口		
850	4104191990	其他湿牛皮	出口		
851	4104192010	其他湿濒危野马皮	出口		
852	4104192090	其他湿马皮	出口		
853	4104410010	濒危野牛马干革	出口		
854	4104410090	全粒面未剖层或粒面剖层干革	出口		
855	4104491010	其他机器带用濒危野牛马皮革	出口		
856	4104491090	其他机器带用牛马皮革	出口		
857	4104499010	其他濒危野牛马皮革	出口		
858	4104499090	其他牛马皮革	出口		
859	4105101000	蓝湿绵羊或羔羊皮	出口		
860	4105109000	其他绵羊或羔羊湿革	出口		
861	4105300000	绵羊或羔羊干革	出口		
862	4106210001	蓝湿山羊皮	出口		
863	4106210090	其他山羊或小山羊湿革	出口		
864	4106220000	山羊或小山羊干革	出口		
865	4106311010	蓝湿鹿豚、姬猪皮	出口		
866	4106311090	其他蓝湿猪皮	出口		
867	4106319010	鹿豚、姬猪湿革	出口		
868	4106319090	其他猪湿革	出口		
869	4106320010	鹿豚、姬猪干革	出口		
870	4106320090	其他猪干革	出口		
871	4106400000	爬行动物皮革	出口		
872	4106910010	其他濒危野生动物湿革	出口		
873	4106910090	其他动物湿革	出口		
874	4106920010	濒危其他野生动物干革	出口		
875	4106920090	其他动物干革	出口		
876	4107111010	全粒面未剖层整张濒危野牛皮	出口		
877	4107111090	全粒面未剖层整张牛皮	出口		
878	4107112010	全粒面未剖层整张濒危野马皮	出口		
879	4107112090	全粒面未剖层整张马皮	出口		
880	4107121010	粒面剖层整张濒危野牛皮	出口		
881	4107121090	粒面剖层整张牛皮	出口		
882	4107122010	粒面剖层整张濒危野马皮	出口		

883	4107122090	粒面剖层整张马皮	出口		
884	4107191010	其他机器带用整张濒危野牛马皮革	出口		
885	4107191090	其他机器带用整张牛马皮革	出口		
886	4107199010	其他整张濒危野牛马皮革	出口		
887	4107199090	其他整张牛马皮革	出口		
888	4107910010	全粒面未剖层非整张濒危野牛马皮	出口		
889	4107910090	全粒面未剖层非整张革	出口		
890	4107920010	粒面剖层非整张濒危野牛马皮革	出口		
891	4107920090	粒面剖层非整张革	出口		
892	4107991010	其他机器带用非整张濒危野牛马皮	出口		
893	4107991090	其他机器带用非整张牛马皮革	出口		
894	4107999010	其他非整张濒危野牛马皮革	出口		
895	4107999090	其他非整张牛马皮革	出口		
896	4112000000	加工的绵羊或羔羊皮革	出口		
897	4113100000	加工的山羊或小山羊皮革	出口		
898	4113200010	加工的鹿豚、姬猪皮革	出口		
899	4113200090	加工的猪皮革	出口		
900	4113300000	加工的爬行动物皮革	出口		
901	4113900010	加工的其他濒危野生动物皮革	出口		
902	4113900090	加工的其他动物皮革	出口		
903	4114100010	油鞣其他濒危野生动物皮革	出口		
904	4114100090	油鞣其他动物皮革	出口		
905	4114200000	漆皮及层压漆皮;镀金属皮革	出口		
906	4115100000	再生皮革	出口		
907	4115200010	皮革废渣、灰渣、淤渣及粉末	出口		
908	4115200090	皮革或再生皮革边角料	出口		
进口4104-4115出口4104-4115的除外					
909	4201000010	濒危野生动物材料制的鞍具及挽具	出口		
910	4202111010	以含濒危野生动物皮革作面的衣箱	出口		
911	4202119010	以濒危野生动物皮革作面的箱包	出口		
912	4202210010	以濒危野生动物皮革作面的手提包	出口		
913	4202310010	以濒危野生动物皮革作面的钱包等	出口		
914	4202910010	濒危野生动物皮革作面的其他容器	出口		
915	4203100010	濒危野生动物皮革制的衣服	出口		
916	4203210010	濒危野生动物皮革制的运动手套	出口		
917	4203291010	濒危野生动物皮革制的劳保手套	出口		
918	4203299010	濒危野生动物皮革制的其他手套	出口		
919	4203301010	濒危野生动物皮革制的腰带	出口		
920	4203302010	濒危野生动物皮革制的子弹带	出口		
921	4203400010	濒危野生动物皮革制的衣着附件	出口		
922	4205001010	濒危野生动物皮革制的坐具套	出口		
923	4205002010	濒危野生动物皮革制工业用皮革或再生皮革制品	出口		
924	4205009010	濒危野生动物皮革的其他制品	出口		

925	4301100000	整张生水貂皮	出口		
926	4301300000	阿斯特拉罕等羔羊的整张生毛皮	出口		
927	4301600010	整张濒危生狐皮	出口		
928	4301600090	其他整张生狐皮	出口		
929	4301801010	整张生濒危野兔皮	出口		
930	4301801090	整张生兔皮	出口		
931	4301809010	整张的其他生濒危野生动物毛皮	出口		
932	4301809090	整张的其他生毛皮	出口		
933	4301901000	未鞣制的黄鼠狼尾	出口		
934	4301909010	其他濒危野生动物未鞣头尾	出口		
935	4301909090	适合加工皮货用的其他未鞣头、尾	出口		
936	4302191010	已鞣未缝制的濒危狐皮	出口		
937	4302191090	已鞣未缝制的其他贵重濒危动物毛皮	出口		
938	4302192010	已鞣未缝制的整张濒危野兔皮	出口		
939	4302199010	已鞣未缝制其他濒危野生动物毛皮	出口		
940	4302200010	已鞣未缝濒危野生动物头, 尾, 爪等	出口		
941	4302301090	已鞣已缝制的贵重濒危动物毛皮及其块、片	出口		
942	4302309010	已鞣缝的其他整张濒危野生毛皮	出口		
943	4303101010	濒危野生动物毛皮衣服	出口		
944	4303102010	濒危野生动物毛皮衣着附件	出口		
945	4303900010	濒危野生动物毛皮制其他物品	出口		
946	4401100000	薪柴	出口		
947	4401210010	濒危针叶木木片或木粒			进出口
948	4401210090	其他针叶木木片或木粒	出口		
949	4401220010	濒危非针叶木木片或木粒			进出口
950	4401220090	其他非针叶木木片或木粒	出口		
951	4401300000	锯末、木废料及碎片			进出口
952	4402100000	竹炭	出口		
953	4402900010	以木材为原料直接烧制的木炭	出口		
954	4402900090	其他木炭	出口		
955	4403100010	油漆, 着色剂等处理濒危树种原木	出口		
956	4403100090	其他油漆, 着色剂等处理的原木	出口		
957	4403201010	其他红松原木	出口		
958	4403201090	其他樟子松原木	出口		
959	4403202000	其他白松、云杉和冷杉原木	出口		
960	4403203000	其他辐射松原木	出口		
961	4403204000	其他落叶松原木	出口		
962	4403209010	其他濒危针叶木原木	出口		
963	4403209090	其他针叶木原木	出口		
964	4403410000	其他红柳安木原木	出口		
965	4403491000	其他柚木原木	出口		
966	4403492000	其他奥克曼OKOUME原木	出口		
967	4403493000	其他龙脑香木、克隆原木	出口		

968	4403494000	其他山樟Kapur原木	出口		
969	4403495000	其他印加木Intsia spp. 原木	出口		
970	4403496000	其他大干巴豆Koompassia spp.	出口		
971	4403497000	其他异翅香木Anisopter spp.	出口		
972	4403499010	其他本章子目注释濒危热带原木	出口		
973	4403499090	其他本章子目注释所列热带原木	出口		
974	4403910000	栎木(橡木)原木	出口		
975	4403920000	山毛榉木原木	出口		
976	4403991000	楠木原木	出口		
977	4403992000	樟木原木	出口		
978	4403993000	红木原木	出口		
979	4403994000	泡桐木原木	出口		
980	4403995000	水曲柳原木	出口		
981	4403996000	北美硬阔叶木原木	出口		
982	4403998010	其他未列名温带濒危非针叶木原木	出口		
983	4403998090	其他未列名温带非针叶木原木	出口		
984	4403999010	其他未列名濒危非针叶原木	出口		
985	4403999090	其他未列名非针叶原木	出口		
986	4404100010	濒危针叶木的箍木等及类似品	出口		
987	4404100090	其他针叶木的箍木等及类似品	出口		
988	4404200010	濒危非针叶木箍木等	出口		
989	4404200090	其他非针叶木箍木等	出口		
990	4405000000	木丝及木粉	出口		
991	4406100000	未浸渍的铁道及电车道枕木	出口		
992	4406900010	濒危木已浸渍铁道及电车道枕木			进出口
993	4406900090	其他已浸渍的铁道及电车道枕木	出口		
994	4407101011	端部接合的红松厚板材	出口		
995	4407101019	端部接合的樟子松厚板材	出口		
996	4407101090	非端部接合的红松和樟子松厚板材	出口		
997	4407102010	端部接合的白松(云杉, 冷杉)厚板材	出口		
998	4407102090	非端部接合白松(云杉, 冷杉)厚板材	出口		
999	4407103010	端部接合的辐射松厚板材	出口		
1000	4407103090	非端部接合的辐射松厚板材	出口		
1001	4407104010	端部接合的花旗松厚板材	出口		
1002	4407104090	非端部接合的花旗松厚板材	出口		
1003	4407109011	端部接合其他濒危针叶木厚板材	出口		
1004	4407109019	端部接合其他针叶木厚板材	出口		
1005	4407109091	非端部接合其他濒危针叶木厚板材	出口		
1006	4407109099	非端部接合的其他针叶木厚板材	出口		
1007	4407210010	端部接合美洲桃花心木	出口		
1008	4407210090	非端部接合美洲桃花心木	出口		
1009	4407220010	端部接合的苏里南肉豆蔻木、巴西胡桃木及美洲轻木	出口		

1010	4407220090	非端部接合的苏里南肉豆蔻木、巴西胡桃木及美洲轻木	出口		
1011	4407250010	端部接合的红柳安木板材	出口		
1012	4407250090	非端部接合的红柳安木板材	出口		
1013	4407260010	端部接合的白柳桉、其他柳桉木和阿兰木板材	出口		
1014	4407260090	非端部接合的白柳桉、其他柳桉木和阿兰木板材	出口		
1015	4407270010	端部结合的沙比利木板材	出口		
1016	4407270090	非端部结合的沙比利木板材	出口		
1017	4407280010	端部接合的伊罗科木板材	出口		
1018	4407280090	非端部接合的伊罗科木板材	出口		
1019	4407291010	端部接合的柚木板材	出口		
1020	4407291090	非端部接合的柚木板材	出口		
1021	4407292010	端部结合的非洲桃花心木板材	出口		
1022	4407292090	非端部结合的非洲桃花心木板材	出口		
1023	4407293010	端部接合的波罗格Merban板材	出口		
1024	4407293090	非端部接合的波罗格Merban板材	出口		
1025	4407299011	端部接合拉敏木厚板材	出口		
1026	4407299012	端部接合其他未列名濒危热带木厚板材	出口		
1027	4407299019	端部接合其他未列名热带木厚板材	出口		
1028	4407299091	非端部接合其他未列名濒危热带木板材	出口		
1029	4407299099	非端部接合其他未列名热带木板材	出口		
1030	4407910010	端部接合的栎木(橡木)厚板材	出口		
1031	4407910090	非端部接合的栎木(橡木)厚板材	出口		
1032	4407920010	端部接合的山毛榉木厚板材	出口		
1033	4407920090	非端部接合的山毛榉木厚板材	出口		
1034	4407930010	端部接合的枫木厚板材	出口		
1035	4407930090	非端部接合的枫木厚板材	出口		
1036	4407940010	端部接合的樱桃木厚板材	出口		
1037	4407940090	非端部接合的樱桃木厚板材	出口		
1038	4407950010	端部接合的白蜡木厚板材	出口		
1039	4407950090	非端部接合的白蜡木厚板材	出口		
1040	4407991010	端部接合樟木/楠木/红木厚板材	出口		
1041	4407991090	非端部接合樟木/楠木/红木厚板材	出口		
1042	4407992010	端部接合的泡桐木厚板材	出口		
1043	4407992090	非端部接合的泡桐木厚板材	出口		
1044	4407993010	端部接合的北美硬阔叶材厚板材	出口		
1045	4407993090	非端部接合的北美硬阔叶材厚板材	出口		
1046	4407998011	端部接合其他温带濒危非针叶板材	出口		
1047	4407998019	端部接合的其他温带非针叶厚板材	出口		
1048	4407998091	非端部结合其他温带濒危非针叶厚板材	出口		
1049	4407998099	非端部接合的其他温带非针叶厚板材	出口		
1050	4407999012	端部接合的濒危木厚板材	出口		

1051	4407999019	端部接合的其他木厚板材	出口		
1052	4407999091	非端部接合的其他濒危木厚板材	出口		
1053	4407999099	非端部接合的其他木厚板材	出口		
1054	4408101110	胶合板等多层板制濒危针叶木单板	出口		
1055	4408101190	其他胶合板等多层板制针叶木单板	出口		
1056	4408101910	其他饰面濒危针叶木单板	出口		
1057	4408101990	其他饰面针叶木单板	出口		
1058	4408102010	制胶合板用濒危针叶木单板	出口		
1059	4408102090	其他制胶合板用针叶木单板	出口		
1060	4408109010	其他濒危针叶木单板材	出口		
1061	4408109090	其他针叶木单板材	出口		
1062	4408311100	胶合板多层板制饰面红柳安木单板	出口		
1063	4408311900	其他饰面用红柳安木单板	出口		
1064	4408312000	红柳安木制的胶合板用单板	出口		
1065	4408319000	红柳安木制的其他单板	出口		
1066	4408391110	胶合板多层板制饰面桃花心木单板	出口		
1067	4408391120	胶合板多层板制饰面拉敏木单板	出口		
1068	4408391130	胶合板多层板制饰面濒危木单板	出口		
1069	4408391190	胶合板多层板制饰面热带木单板	出口		
1070	4408391910	其他饰面用桃花心木单板	出口		
1071	4408391920	其他饰面用拉敏木单板	出口		
1072	4408391930	其他饰面用濒危木单板	出口		
1073	4408391990	其他饰面本章子目注释热带木单板	出口		
1074	4408392010	其他桃花心木制的胶合板用单板	出口		
1075	4408392020	其他拉敏木制的胶合板用单板	出口		
1076	4408392030	其他濒危木制的胶合板用单板	出口		
1077	4408392090	其他列名热带木制的胶合板用单板	出口		
1078	4408399010	其他桃花心木制的其他单板	出口		
1079	4408399020	其他拉敏木制的其他单板	出口		
1080	4408399030	其他列名濒危热带木制的其他单板	出口		
1081	4408399090	其他列名的热带木制的其他单板	出口		
1082	4408901110	胶合板多层板制饰面濒危木单板	出口		
1083	4408901190	胶合板多层板制饰面其他木单板	出口		
1084	4408901210	温带濒危非针叶木制饰面用木单板	出口		
1085	4408901290	其他温带非针叶木制饰面用木单板	出口		
1086	4408901911	家具饰面用濒危木单板	出口		
1087	4408901919	其他家具饰面用单板	出口		
1088	4408901991	其他饰面用濒危木单板	出口		
1089	4408901999	其他饰面用单板	出口		
1090	4408902110	温带濒危非针叶木制胶合板用单板	出口		
1091	4408902190	其他温带非针叶木制胶合板用单板	出口		
1092	4408902911	其他濒危木制胶合板用旋切单板	出口		
1093	4408902919	其他濒危木制胶合板用其他单板	出口		
1094	4408902991	其他木制胶合板用旋切单板	出口		

1095	4408902999	其他木制胶合板用其他单板	出口		
1096	4408909110	温带濒危非针叶木制其他单板材	出口		
1097	4408909190	温带非针叶木制其他单板材	出口		
1098	4408909910	其他濒危木制的其他单板材	出口		
1099	4408909990	其他木材, 但针叶木热带木除外	出口		
1100	4409101010	一边或面制成连续形状的濒危针叶木制地板条、块	出口		
1101	4409101090	一边或面制成连续形状的其他针叶木地板条、块	出口		
1102	4409109010	一边或面制成连续形状濒危针叶木材	出口		
1103	4409109090	其他一边或面制成连续形状的针叶木材	出口		
1104	4409211010	一边或面制成连续形状的濒危竹地板条(块)	出口		
1105	4409211090	一边或面制成连续形状的竹地板条(块)	出口		
1106	4409219010	一边或面制成连续形状的其他濒危竹材	出口		
1107	4409219090	一边或面制成连续形状的其他竹材	出口		
1108	4409291010	一边或面制成连续形状的拉敏木地板条、块	出口		
1109	4409291020	一边或面制成连续形状的桃花心木地板条、块	出口		
1110	4409291030	一边或面制成连续形状的其他濒危木地板条、块	出口		
1111	4409291090	一边或面制成连续形状的其他非针叶木地板条、块	出口		
1112	4409299010	一边或面制成连续形状的拉敏木	出口		
1113	4409299020	一边或面制成连续形状的桃花心木	出口		
1114	4409299030	一边或面制成连续形状的其他濒危木	出口		
1115	4409299090	一边或面制成连续形状的其他非针叶木材	出口		
1116	4419003100	木制一次性筷子	出口		
1117	4419003210	酸竹制一次性筷子	出口		
1118	4419003290	其他竹制一次性筷子	出口		
上述4407-4419产品使用进口木材的除外					
1119	4501100000	未加工或简单加工的天然软木	出口		
1120	4501901000	软木废料	出口		
1121	4501902000	碎的、粒状的或粉状的软木(软木碎、软木粒或软木粉)	出口		
1122	4502000000	块, 板, 片或条状的天然软木	出口		
1123	4701000000	机械木浆	出口		
1124	4702000000	化学木浆, 溶解级	出口		
1125	4703110000	未漂白针叶木碱木浆或硫酸盐木浆	出口		
1126	4703190000	未漂白非针叶木碱木浆等	出口		
1127	4703210000	漂白针叶木碱木浆或硫酸盐木浆	出口		
1128	4703290000	漂白非针叶木碱木浆或硫酸盐木浆	出口		
1129	4704110000	未漂白的针叶木亚硫酸盐木浆	出口		

1130	4704190000	未漂白的非针叶木亚硫酸盐木浆	出口		
1131	4704210000	漂白的针叶木亚硫酸盐木浆	出口		
1132	4704290000	漂白的非针叶木亚硫酸盐木浆	出口		
1133	4705000000	机械与化学联合制浆法制的木浆	出口		
1134	4706100000	棉短绒纸浆	出口		
1135	4706200000	从回收纸或纸板提取的纤维浆	出口		
1136	4706300000	其他纤维状纤维素竹浆	出口		
1137	4706910000	其他纤维状纤维素机械浆	出口		
1138	4706920000	其他纤维状纤维素化学浆	出口		
1139	4706930000	其他纤维状纤维素半化学浆	出口		
1140	4707100000	回收(废碎)的未漂白牛皮、瓦楞纸或纸板	出口		
1141	4707200000	回收(废碎)的漂白化学木浆制的纸和纸板	出口		
1142	4707300000	回收(废碎)的机械木浆制的纸或纸板	出口		
1143	4707900010	回收(废碎)墙(壁)纸、涂蜡纸、浸蜡纸、复写纸	出口		
1144	4707900090	其他回收纸或纸板	出口		
1145	4801000000	成卷或成张的新闻纸	出口		
1146	4802100000	手工制纸及纸板	出口		
1147	4802201000	照相原纸	出口		
1148	4802209000	其他光, 热, 电敏纸, 纸板的原纸	出口		
1149	4802400000	壁纸原纸	出口		
1150	4802540000	书写, 印刷等用未涂布薄纸或纸板	出口		
1151	4802550010	40<每平米重≤150g的胶版纸	出口		
1152	4802550090	40<每平米重≤150g未涂布中厚纸	出口		
1153	4802560010	成张40<每平米重≤150g胶版纸	出口		
1154	4802560090	40<每平米重≤150g未涂布纸, 成张	出口		
1155	4802570010	其他40<每平米重≤150g的胶版纸	出口		
1156	4802570090	其他40<每平米≤150g未涂中厚纸	出口		
1157	4802580000	书写、印刷等用未涂布厚纸(板)	出口		
1158	4802611000	成卷新闻纸	出口		
1159	4802619000	其他成卷书写、印刷用未涂布纸	出口		
1160	4802620000	成张书写、印刷用未涂布纸	出口		
1161	4802691000	其他新闻纸	出口		
1162	4802699000	其他书写、印刷用未涂布纸	出口		
1163	4803000000	卫生纸、面巾纸、餐巾纸及类似纸	出口		
1164	4804110010	平米重115—360克未漂白、成卷或成张未涂布牛皮挂面纸	出口		
1165	4804110090	其他未漂白的牛皮挂面纸	出口		
1166	4804190000	漂白的牛皮挂面纸	出口		
1167	4804210000	未漂白的袋用牛皮纸	出口		
1168	4804290000	漂白的袋用牛皮纸	出口		
1169	4804310010	平米重115—150克未漂白、成卷或成张未涂布其他牛皮纸	出口		
1170	4804310090	其他未漂白的其他薄牛皮纸及纸板	出口		

1171	4804390090	每平方米重量≤150克的其他牛皮纸及纸板	出口		
1172	4804410010	150<平米重<225克未漂白、成卷或成张未涂布其他牛皮纸	出口		
1173	4804410090	其他未漂白的其他中厚牛皮纸及纸板	出口		
1174	4804420000	本体均匀漂白的中厚牛皮纸及纸板	出口		
1175	4804490000	其他漂白的中厚牛皮纸及纸板	出口		
1176	4804510010	平米重225—360克未漂白、成卷或成张未涂布其他牛皮纸	出口		
1177	4804510090	其他未漂白的其他厚牛皮纸及纸板	出口		
1178	4804520000	本体均匀漂白的厚牛皮纸及纸板	出口		
1179	4804590000	其他漂白的厚牛皮纸及纸板	出口		
1180	4805110000	半化学的瓦楞原纸	出口		
1181	4805120000	草浆瓦楞原纸	出口		
1182	4805190000	其他瓦楞原纸	出口		
1183	4805240000	强韧箱纸板(再生挂面纸板)	出口		
1184	4805250000	强韧箱纸板(再生挂面纸板)	出口		
1185	4805300000	亚硫酸盐包装纸	出口		
1186	4805400000	滤纸及纸板	出口		
1187	4805500000	毡纸及纸板	出口		
1188	4805911000	电解电容器原纸			进出口
1189	4805919000	其他未经涂布薄纸及纸板	出口		
1190	4805920000	其他未经涂布中厚纸及纸板	出口		
1191	4805930000	其他未经涂布厚纸及纸板	出口		
1192	4806100000	植物羊皮纸	出口		
1193	4806200000	防油纸	出口		
1194	4806300000	描图纸	出口		
1195	4806400000	高光泽透明或半透明纸	出口		
1196	4807000000	成卷或成张的复合纸及纸板	出口		
1197	4808100000	瓦楞纸及纸板	出口		
1198	4808200000	袋用皱纹牛皮纸	出口		
1199	4808300000	其他皱纹牛皮纸	出口		
1200	4808900000	其他皱纹纸及纸板,压纹纸及纸板	出口		
1201	4809200000	大张(卷)的自印复写纸	出口		
1202	4809900000	其他大张(卷)的复写纸及类似拷贝纸或转印纸	出口		
1203	4810130001	成卷的铜版纸	出口		
1204	4810130090	涂无机物的其他书写/印刷或类似用途纸/纸板	出口		
1205	4810140001	成张的铜版纸	出口		
1206	4810140090	涂无机物的其他成张的书写、印刷的纸及纸板	出口		
1207	4810190001	其他铜版纸	出口		
1208	4810190090	涂无机物的其他书写、印刷用途的纸及纸板	出口		

1209	4810220000	书写、印刷用途的轻质涂布纸	出口		
1210	4810290000	涂无机物的其他书写、印刷用途的纸及纸板	出口		
1211	4810310010	涂无机物的白板纸、白卡纸	出口		
1212	4810310090	涂无机物的薄漂白牛皮纸及纸板	出口		
1213	4810320010	涂无机物的白板纸、白卡纸	出口		
1214	4810320090	涂无机物的厚漂白牛皮纸及纸板	出口		
1215	4810390000	涂无机物的其他牛皮纸及纸板	出口		
1216	4810920000	其他涂无机物的多层纸及纸板	出口		
1217	4810990000	其他涂无机物的纸及纸板	出口		
1218	4811100000	焦油纸及纸板, 沥青纸及纸板	出口		
1219	4811410000	自粘的胶粘纸及纸板	出口		
1220	4811490000	其他胶粘纸及纸板	出口		
1221	4811511000	漂白的彩色相纸用双面涂塑厚纸	出口		
1222	4811519000	漂白的其他涂, 浸, 盖厚纸及纸板	出口		
1223	4811591000	用塑料浸涂的绝缘纸及纸板	出口		
1224	4811599000	用塑料涂布, 浸渍的其他纸及纸板	出口		
1225	4811601000	用蜡或油等涂布的绝缘纸及纸板	出口		
1226	4811609000	用蜡或油等涂布的其他纸及纸板	出口		
1227	4811900000	其他经涂布, 浸渍, 覆盖的纸及纸板	出口		
1228	4812000000	纸浆制的滤块, 滤板及滤片	出口		
1229	4813100000	成小本或管状的卷烟纸	出口		
1230	4813200000	宽度≤5cm成卷的卷烟纸	出口		
1231	4813900000	其他卷烟纸	出口		
1232	4814100000	用木粒或草粒等饰面的壁纸	出口		
1233	4814200000	用塑料涂面或盖面的壁纸及类似品	出口		
1234	4814900000	其他壁纸及类似品, 窗用透明纸	出口		
1235	4816200000	小卷(张) 自印复写纸	出口		
1236	4816901000	小卷(张) 热敏转印纸	出口		
1237	4816909000	复写纸及其他拷贝纸或转印纸、油印蜡纸或胶印版纸	出口		
全部使用进口木浆(4701-4706)、生产中不添加国产浆, 出口纸及其制品(4801-4816)的 除外					
进口4801-4816加工出口(包括深加工结转) 4801-4816纸制品的除外					
进口4707以深加工结转方式转出4801-4816纸制品的除外					
1238	5102110000	未梳喀什米尔山羊的细毛	出口		
1239	5102191010	未梳濒危兔毛	出口		
1240	5102192000	其他未梳山羊绒	出口		
1241	5102193010	未梳濒危野生骆驼科动物毛、绒	出口		
1242	5102199010	未梳的其他濒危野生动物细毛	出口		
1243	5102200010	未梳的濒危野生动物粗毛	出口		
1244	5103109010	其他濒危野生动物细毛的落毛	出口		
1245	5103209010	其他濒危野生动物细毛废料	出口		

1246	5103300010	濒危野生动物粗毛废料	出口		
1247	5104009010	其他濒危野生动物细毛	出口		
1248	5105391010	已梳濒危兔毛	出口		
1249	5105400010	其他已梳濒危野生动物粗毛	出口		
1250	5108101100	非供零售用粗梳山羊绒纱线	出口		
1251	5108101910	非供零售用粗梳其他濒危动物细毛纱线	出口		
1252	5108109010	非供零售用粗梳其他濒危动物细毛纱线	出口		
1253	5108201910	非供零售用精梳其他濒危动物细毛纱线	出口		
1254	5108209010	非供零售用精梳其他濒危动物细毛纱线	出口		
1255	5110000010	濒危动物粗毛的纱线	出口		
1256	5202100000	废棉纱线		进口	
1257	5202990000	其他废棉		进口	
1258	5505100000	合成纤维废料		进口	
1259	5505200000	人造纤维废料		进口	
1260	6310100010	新的或未使用过的纺织材料制经分拣的碎织物等		进口	
1261	6310100090	其他纺织材料制经分拣的碎织物等		进口	
1262	6310900010	新的或未使用过的纺织材料制其他碎织物等		进口	
1263	6310900090	其他纺织材料制碎织物等		进口	
1264	6402120010	含濒危动物毛皮橡胶/塑料底及面滑雪靴	出口		
1265	6402190010	含濒危动物毛皮其他运动鞋靴	出口		
1266	6801000000	长方砌石, 路缘石, 扁平石	出口		
1267	6802101000	大理石制砖, 瓦, 方块及类似品	出口		
1268	6802109000	其他石料制砖瓦、方块及类似品	出口		
1269	6802211000	经简单切削或锯开的大理石及制品	出口		
1270	6802219000	经简单切削或锯开的蜡石及制品	出口		
1271	6802230000	经简单切削或锯开的花岗岩及制品	出口		
1272	6802291000	经简单切削或锯开的其他石灰石	出口		
1273	6802299000	经简单切削或锯开的其他石及制品	出口		
6801-6802使用进口石材的除外					
1274	6806200000	页状硅石, 膨胀粘土, 泡沫矿渣			进出口
1275	6807100001	聚酯-铜复合胎基改性沥青根阻防水卷材			进出口
1276	6807100090	成卷的沥青或类似原料的制品			进出口
1277	6807900000	其他形状的沥青或类似原料的制品			进出口
1278	6815100000	非电器用的石墨或其他碳精制品	出口		
1279	6815200000	泥煤制品			进出口
1280	6903100000	含>50%石墨其他耐火陶瓷制品	出口		
1281	6903200000	含>50%氧化铝其他耐火陶瓷制品	出口		
1282	7110110000	未锻造或粉末状铂	出口		
1283	7110191000	板、片状铂	出口		
1284	7110199000	其他半制成铂	出口		
1285	7110210000	未锻造或粉末状钯	出口		
1286	7110291000	板、片状钯	出口		

1287	7110299000	其他半制成钚	出口		
1288	7110310000	未锻造或粉末状铈	出口		
1289	7110391000	板、片状铈	出口		
1290	7110399000	其他半制成铈	出口		
1291	7110410000	未锻造或粉末状铈、钺、钶	出口		
1292	7110491000	板、片状铈、钺、钶	出口		
1293	7110499000	其他半制成铈、钺、钶	出口		
1294	7113119010	镶嵌濒危物种制品的银首饰及零件	出口		
1295	7113209010	镶嵌濒危物种制品以贱金属为底的包贵金属制首饰	出口		
1296	7114110010	镶嵌濒危物种制品的银器及零件	出口		
1297	7201100000	非合金生铁,按重量计含磷量在0.5%及以下 (非钢铁冶炼行业除外)		进口	
1298	7201200000	非合金生铁,按重量计含磷量在0.5%以上 (非钢铁冶炼行业除外)		进口	
1299	7201500010	合金生铁(非钢铁冶炼行业除外)		进口	
1300	7201500090	镜铁(非钢铁冶炼行业除外)		进口	
1301	7202110000	锰铁,按重量计含碳量在2%以上	出口		
1302	7202190000	锰铁,按重量计含碳量不超过2%	出口		
1303	7202210000	硅铁,含硅量在55%以上	出口		
1304	7202290000	硅铁,含硅量不超过55%	出口		
1305	7202300000	硅锰铁	出口		
1306	7202410000	铬铁,按重量计含碳量在4%以上	出口		
1307	7202490000	铬铁,按重量计含碳量不超过4%	出口		
1308	7202500000	硅铬铁	出口		
1309	7202600000	镍铁	出口		
1310	7202700000	钼铁	出口		
1311	7202801000	钨铁	出口		
1312	7202802000	硅钨铁	出口		
1313	7202910000	钛铁及硅钛铁	出口		
1314	7202921000	按重量含钒在75%及以上钒铁	出口		
1315	7202929000	其他钒铁	出口		
1316	7202990000	其他铁合金	出口		
1317	7203100001	热压铁块		进口	
1318	7203100090	直接从铁矿还原的铁产品		进口	
1319	7203900000	其他海绵铁产品或纯度在99.94%及以上的铁		进口	
1320	7204100000	铸铁废碎料		进口	
1321	7204210000	不锈钢废碎料		进口	
1322	7204290000	其他合金钢废碎料		进口	
1323	7204300000	镀锡钢铁废碎料		进口	
1324	7204410000	机械加工中产生的钢铁废料		进口	
1325	7204490010	废汽车压件		进口	
1326	7204490020	以回收钢铁为主的废五金电器		进口	

1327	7204490090	未列名钢铁废碎料		进口	
1328	7204500000	供再熔的碎料钢铁锭		进口	
1329	7205100000	生铁、镜铁及钢铁颗粒（非钢铁冶炼行业除外）		进口	
1330	7205211000	钹铁硼磁粉（非冶炼行业除外）		进口	
1331	7205219000	其他合金钢粉末（非冶炼行业除外）		进口	
1332	7205290000	生铁、镜铁及其他钢铁粉末（非钢铁冶炼行业除外）		进口	
1333	7206100000	铁锭及非合金钢锭（非钢铁冶炼行业除外）		进口	
1334	7206900000	其他初级形状的铁及非合金钢（非钢铁冶炼行业除外）		进口	
1335	7207110000	宽度小于厚度两倍的矩形截面钢坯（非钢铁冶炼行业除外）		进口	
1336	7207120000	其他矩形截面钢坯		进口	
1337	7207190000	其他含碳量小于0.25%的钢坯		进口	
1338	7207200000	含碳量不小于0.25%的钢坯		进口	
1339	7208100000	轧有花纹的热轧卷材	出口		
1340	7208250000	厚 $\geq 4.75\text{mm}$ 其他经酸洗的热轧卷材	出口		
1341	7208261000	$4.75\text{mm} > \text{厚} \geq 3\text{mm}$ 其他大强度热轧卷材	出口		
1342	7208269000	其他 $4.75\text{mm} > \text{厚} \geq 3\text{mm}$ 热轧卷材	出口		
1343	7208271000	厚度 $< 1.5\text{mm}$ 其他的热轧卷材	出口		
1344	7208279000	$1.5\text{mm} \leq \text{厚} < 3\text{mm}$ 其他的热轧卷材	出口		
1345	7208360000	厚度 $> 10\text{mm}$ 的其他热轧卷材	出口		
1346	7208370000	$10\text{mm} \geq \text{厚} \geq 4.75\text{mm}$ 的其他热轧卷材	出口		
1347	7208381000	$4.75\text{mm} > \text{厚度} \geq 3\text{mm}$ 的大强度卷材	出口		
1348	7208389000	其他 $4.75\text{mm} > \text{厚度} \geq 3\text{mm}$ 的卷材	出口		
1349	7208391000	厚度 $< 1.5\text{mm}$ 的其他热轧卷材	出口		
1350	7208399000	$1.5\text{mm} \leq \text{厚} < 3\text{mm}$ 的其他热轧卷材	出口		
1351	7208400000	轧有花纹的热轧非卷材	出口		
1352	7208511000	厚度 $> 50\text{mm}$ 的其他热轧非卷材	出口		
1353	7208512000	$20\text{mm} < \text{厚} \leq 50\text{mm}$ 的其他热轧非卷材	出口		
1354	7208519000	$10\text{mm} < \text{厚} \leq 20\text{mm}$ 的其他热轧非卷材	出口		
1355	7208520000	$10\text{mm} \geq \text{厚度} \geq 4.75\text{mm}$ 的热轧非卷材	出口		
1356	7208531000	$4.75\text{mm} > \text{厚} \geq 3\text{mm}$ 大强度热轧非卷材	出口		
1357	7208539000	其他 $4.75\text{mm} > \text{厚} \geq 3\text{mm}$ 的热轧非卷材	出口		
1358	7208541000	厚 $< 1.5\text{mm}$ 的热轧非卷材	出口		
1359	7208549000	$1.5 \leq \text{厚} < 3\text{mm}$ 的热轧非卷材	出口		
1360	7208900000	其他热轧铁或非合金钢宽平板轧材	出口		
1361	7211130000	未轧花纹的四面轧制的热轧非卷材	出口		
1362	7211140000	厚度 $\geq 4.75\text{mm}$ 的其他热轧板材	出口		
1363	7211190000	其他热轧铁或非合金钢窄板材	出口		
1364	7211230000	含炭量低于0.25%的冷轧板材	出口		
1365	7211290000	其他冷轧铁或非合金钢窄板材	出口		

1366	7211900000	冷轧的铁或非合金钢其他窄板材	出口		
1367	7212100000	镀(涂)锡的铁或非合金钢窄板材	出口		
1368	7212200000	电镀锌的铁或非合金钢窄板材	出口		
1369	7212300000	其他镀或涂锌的铁窄板材	出口		
1370	7212400000	涂漆或涂塑的铁或非合金钢窄板材	出口		
1371	7212500000	涂镀其他材料铁或非合金钢窄板材	出口		
1372	7212600000	经包覆的铁或非合金钢窄板材	出口		
1373	7213100000	铁或非合金钢制热轧盘条	出口		
1374	7213200000	其他易切削钢制热轧盘条	出口		
1375	7213910000	直径<14mm圆截面的其他热轧盘条	出口		
1376	7213990000	其他热轧盘条	出口		
1377	7214200000	铁或非合金钢的热加工条、杆	出口		
1378	7214300000	易切削钢的热加工条、杆	出口		
1379	7214910000	其他矩形截面的条杆	出口		
1380	7214990000	其他热加工条、杆	出口		
1381	7215100000	其他易切削钢制冷加工条、杆	出口		
1382	7215500000	其他冷加工或冷成形的条、杆	出口		
1383	7215900000	铁及非合金钢的其他条、杆	出口		
1384	7216101000	截面高度<80mmH型钢	出口		
1385	7216102000	截面高度<80mm工字钢	出口		
1386	7216109000	截面高度<80mm槽钢	出口		
1387	7216210000	截面高度<80mm角钢	出口		
1388	7216220000	截面高度<80mm丁字钢	出口		
1389	7216310000	截面高度≥80mm槽型钢	出口		
1390	7216321000	截面高度>200mm工字钢	出口		
1391	7216329000	80mm≤截面高度≤200mm工字钢	出口		
1392	7216331100	截面高度>800mmH型钢	出口		
1393	7216331900	200mm<截面高度≤800mmH型钢	出口		
1394	7216339000	80mm≤截面高度≤200mmH型钢	出口		
1395	7216401000	截面高度≥80mm角钢	出口		
1396	7216402000	截面高度≥80mm丁字钢	出口		
1397	7216501000	乙字钢	出口		
1398	7216509000	其他角材、型材及异型材	出口		
1399	7216610000	平板轧材制的角材、型材及异型材	出口		
1400	7216690000	冷加工的角材、型材及异型材	出口		
1401	7216910000	其他平板轧材制角材, 型材, 异型材	出口		
1402	7216990000	其他角材、型材及异型材	出口		
1403	7217100000	未镀或涂层的铁或非合金钢丝	出口		
1404	7217200000	镀或涂锌的铁或非合金钢丝	出口		
1405	7217301000	镀或涂铜的铁或非合金钢丝	出口		
1406	7217309000	镀或涂其他贱金属的铁或非合金钢丝	出口		
1407	7217900000	其他铁丝或非合金钢丝	出口		
1408	7218100000	不锈钢锭及其他初级形状产品		进口	
1409	7218910000	矩形截面的不锈钢半制成品		进口	

1410	7218990000	其他不锈钢半制成品		进口	
进口7218项下产品用于非钢铁冶炼的除外					
1411	7219131200	3mm≤厚<4.75mm未经酸洗的热轧不锈钢卷板	出口		
1412	7219132200	3mm≤厚<4.75mm经酸洗的热轧不锈钢卷板	出口		
1413	7219141200	厚度<3mm未经酸洗的热轧不锈钢卷板	出口		
1414	7219142200	厚度<3mm经酸洗的热轧不锈钢卷板	出口		
7219项下产品用于非钢铁冶炼的除外					
1415	7224100000	其他合金钢锭及其他初级形状		进口	
1416	7224901000	粗铸锻件坯		进口	
1417	7224909000	其他合金钢坯		进口	
进口7224项下产品用于非钢铁冶炼的除外					
1418	7225910000	电镀锌的其他合金钢宽平板轧材	出口		
1419	7225920000	其他镀或涂锌的其他合金钢宽板材	出口		
1420	7225991000	宽≥600mm的高速钢制平板轧材	出口		
1421	7225999000	宽≥600mm的其他合金钢平板轧材	出口		
1422	7226920000	宽度<600mm冷轧其他合金钢板材	出口		
1423	7226991000	电镀锌的其他合金钢窄平板轧材	出口		
1424	7226992000	用其他方法镀或涂锌的其他合金钢窄板材	出口		
1425	7227200000	硅锰钢的热轧盘条	出口		
1426	7228200000	其他硅锰钢的条、杆	出口		
1427	7228600000	其他合金钢条、杆	出口		
1428	7401000010	沉积铜(泥铜)	出口		
1429	7401000090	铜铈	出口		
1430	7402000000	未精炼铜、电解精炼用铜阳极	出口		
1431	7403119000	精炼铜的阴极型材	出口		
1432	7403120000	精炼铜的线锭	出口		
1433	7403130000	精炼铜的坯段	出口		
1434	7403190000	其他未锻轧的精炼铜	出口		
1435	7403210000	未锻轧的铜锌合金(黄铜)	出口		
1436	7403220000	未锻轧的铜锡合金(青铜)	出口		
1437	7403290000	未锻轧的其他铜合金	出口		
1438	7404000010	以回收铜为主的废电机等		进口	
1439	7404000090	其他铜废碎料	出口		
1440	7405000000	铜母合金	出口		
1441	7406101000	精炼铜制非片状粉末	出口		
1442	7406102000	白铜或德银制非片状粉末	出口		
1443	7406103000	铜锌合金(黄铜)制非片状粉末	出口		
1444	7406104000	铜锡合金(青铜)制非片状粉末	出口		
1445	7406109000	其他铜合金制非片状粉末	出口		
1446	7406201000	精炼铜制片状粉末	出口		
1447	7406202000	白铜或德银制片状粉末	出口		
1448	7406209000	其他铜合金制片状粉末	出口		

1449	7501100000	镍铈	出口		
1450	7501209000	其他氧化镍烧结物、镍的其他中间产品	出口		
1451	7503000000	镍废碎料	出口		
1452	7504001000	非合金镍粉及片状粉末	出口		
1453	7508901000	电镀用镍阳极	出口		
1454	7601101000	未锻轧非合金铝	出口		
1455	7601109000	其他未锻轧非合金铝	出口		
1456	7602000010	以回收铝为主的废电线等	出口		
1457	7602000090	其他铝废碎料	出口		
1458	7603100010	颗粒 $\leq 500\text{ }\mu\text{m}$ 的微细球形铝粉	出口		
1459	7603100090	其他非片状铝粉	出口		
1460	7603200000	片状铝粉末	出口		
1461	7801100000	未锻轧精炼铅	出口		
1462	7801910000	未锻轧铅铋合金	出口		
1463	7801990000	未锻轧的其他铅合金	出口		
1464	7802000000	铅废碎料	出口		
1465	7804200000	铅及铅合金粉末、片状粉末	出口		
1466	7901119000	99.99% \leq 含锌量 $< 99.995\%$ 的未锻轧锌	出口		
1467	7901120000	含锌量 $< 99.99\%$ 的未锻轧锌	出口		
1468	7901200000	未锻轧锌合金	出口		
1469	7902000000	锌废碎料	出口		
1470	7903100000	锌末	出口		
1471	7903900010	颗粒 $\leq 500\text{ }\mu\text{m}$ 的锌及其合金	出口		
1472	7903900090	其他锌粉及片状粉末	出口		
1473	8001100000	未锻轧非合金锡	出口		
1474	8001201000	锡基巴毕脱合金	出口		
1475	8001202100	按重量计含铅量在0.1%以下的焊锡	出口		
1476	8001202900	其他焊锡	出口		
1477	8001209000	其他锡合金	出口		
1478	8002000000	锡废碎料	出口		
1479	8101100010	颗粒 $\leq 500\text{ }\mu\text{m}$ 的钨及其合金	出口		
1480	8101940000	未锻轧钨	出口		
1481	8101970000	钨废碎料	出口		
1482	8101991000	锻轧钨条、杆;型材及异型材,板、片、带、箔	出口		
1483	8102100000	钼粉	出口		
1484	8102940000	未锻轧钼	出口		
1485	8102970000	钼废碎料	出口		
1486	8103201100	松装密度小于2.2g/cm ³ 的钼粉	出口		
1487	8103201900	其他钼粉	出口		
1488	8103209000	其他未锻轧钼,包括简单烧结而成的条、杆	出口		
1489	8103300000	钼废碎料	出口		
1490	8104110000	含镁量 $\geq 99.8\%$ 的未锻轧镁	出口		

1491	8104190000	其他未锻轧的镁及镁合金	出口		
1492	8104200000	镁废碎料	出口		
1493	8104300010	颗粒<500 μ m的镁及其合金	出口		
1494	8104300090	其他已分级的镁锉屑, 车屑, 颗粒; 粉末	出口		
1495	8105201000	钴湿法冶炼中间品	出口		
1496	8105300000	钴铈废碎料	出口		
1497	8106001011	高纯度未锻轧的铋	出口		
1498	8106001019	高纯度未锻轧的铋废料、粉末	出口		
1499	8106001091	其他未锻轧铋	出口		
1500	8106001099	其他未锻轧铋粉末	出口		
1501	8107200000	未锻轧镉、粉末	出口		
1502	8107300000	镉废碎料	出口		
1503	8107900000	其他镉及镉制品	出口		
1504	8108202100	未锻轧海绵钛	出口		
1505	8108202910	颗粒<500 μ m的钛及其合金	出口		
1506	8108202990	其他未锻轧钛	出口		
1507	8108203000	钛的粉末	出口		
1508	8108300000	钛废碎料	出口		
1509	8109200010	颗粒<500 μ m的锆及其合金	出口		
1510	8109200090	其他未锻轧锆; 粉末	出口		
1511	8109300000	锆废碎料	出口		
1512	8110101000	未锻轧铈	出口		
1513	8110102000	铈粉末	出口		
1514	8110200000	铈废碎料	出口		
1515	8111001010	未锻轧锰废碎料	出口		
1516	8111001090	未锻轧锰; 粉末	出口		
1517	8111009000	其他锰及制品	出口		
1518	8112120000	未锻轧铍、粉末	出口		
1519	8112130000	铍废碎料	出口		
1520	8112210000	未锻轧铬; 铬粉末	出口		
1521	8112220000	铬废碎料	出口		
1522	8112510000	未锻轧铊; 铊粉末	出口		
1523	8112520000	铊废碎料	出口		
1524	8112921010	未锻轧锗废碎料	出口		
1525	8112921090	未锻轧的锗; 锗粉末	出口		
1526	8112922001	未锻轧、废碎料或粉末状的钒氮合金	出口		
1527	8112922090	未锻轧的钒; 钒粉末	出口		
1528	8112923001	未锻轧的铟	出口		
1529	8112923002	铟粉末	出口		
1530	8112923090	未锻轧的铟废碎料	出口		
1531	8112924010	未锻轧铋废碎料	出口		
1532	8112924090	未锻轧的铋; 粉末	出口		
1533	8112929011	未锻轧的铪废碎料	出口		
1534	8112929019	未锻轧的铪; 粉末	出口		

1535	8112929091	未锻轧的镓、铟废碎料	出口		
1536	8112929099	未锻轧的镓、铟;粉末	出口		
1537	8112991000	其他锗及其制品	出口		
1538	8112992001	其他钒氮合金	出口		
1539	8112992090	其他钒及其制品	出口		
1540	8112993000	锻轧的钢及其制品	出口		
1541	8112994000	锻轧的铌及其制品	出口		
1542	8112999010	锻轧的钨及其制品	出口		
1543	8112999090	锻轧的镓、铟及其制品	出口		
1544	8113000010	碳化钨废碎料	出口		
1545	8415102100	制冷量 \leq 4千大卡/时分体式空调,窗式或壁式	旧机电产品进口		
1546	8415102200	制冷量 $>$ 4千大卡/时分体式空调,窗式或壁式	旧机电产品进口		
1547	8415200000	机动车辆上供人使用的空气调节器	旧机电产品进口		
1548	8415811000	制冷量 \leq 4千大卡/时热泵式空调器	旧机电产品进口		
1549	8415812000	制冷量 $>$ 4千大卡/时热泵式空调器	旧机电产品进口		
1550	8415821000	制冷量 \leq 4千大卡/时的其他空调器	旧机电产品进口		
1551	8415822000	制冷量 $>$ 4千大卡/时的其他空调	旧机电产品进口		
1552	8415830000	未装有制冷装置的空调器	旧机电产品进口		
1553	8415901000	制冷量 \leq 4千大卡/时空调的零件	旧机电产品进口		
1554	8415909000	制冷量 $>$ 4千大卡/时空调的零件	旧机电产品进口		
1555	8417100000	矿砂、金属的焙烧、熔化用炉	旧机电产品进口		
1556	8417802000	放射性废物焚烧炉	旧机电产品进口		
1557	8417809010	平均温度 $>1000^{\circ}\text{C}$ 的耐腐蚀焚烧炉	旧机电产品进口		
1558	8417809090	其他非电热的工业用炉及烘箱	旧机电产品进口		
1559	8418101000	容积 >500 升冷藏-冷冻组合机	旧机电产品进口		
1560	8418102000	$200<$ 容积 ≤ 500 升冷藏冷冻组合机	旧机电产品进口		
1561	8418103000	容积 ≤ 200 升冷藏-冷冻组合机	旧机电产品进口		
1562	8418211000	容积 >150 升压缩式家用型冷藏箱	旧机电产品进口		
1563	8418212000	压缩式家用型冷藏箱	旧机电产品进口		
1564	8418213000	容积 ≤ 50 升压缩式家用型冷藏箱	旧机电产品进口		
1565	8418291000	半导体制冷式家用型冷藏箱	旧机电产品进口		
1566	8418292000	电气吸收式家用型冷藏箱	旧机电产品进口		
1567	8418299000	其他家用型冷藏箱	旧机电产品进口		
1568	8418301000	制冷温度 $\leq -40^{\circ}\text{C}$ 的柜式冷冻箱	旧机电产品进口		
1569	8418302100	制冷 $> -40^{\circ}\text{C}$ 大的其他柜式冷冻箱	旧机电产品进口		
1570	8418302900	制冷 $> -40^{\circ}\text{C}$ 小的其他柜式冷冻箱	旧机电产品进口		
1571	8418401000	制冷温度 $\leq -40^{\circ}\text{C}$ 的立式冷冻箱	旧机电产品进口		
1572	8418402100	制冷温度 $> -40^{\circ}\text{C}$ 大的立式冷冻箱	旧机电产品进口		
1573	8418402900	制冷温度 $> -40^{\circ}\text{C}$ 小的立式冷冻箱	旧机电产品进口		
1574	8418500000	装有冷藏或冷冻装置的其他设备,用于存储及展示	旧机电产品进口		
1575	8418612010	压缩式制冷机组的热泵	旧机电产品进口		

1576	8418612090	其他压缩式热泵, 税目8415的空气调节器除外	旧机电产品进口
1577	8418619000	其他热泵, 税目8415的空气调节器除外	旧机电产品进口
1578	8418692010	其他压缩式制冷设备	旧机电产品进口
1579	8418692090	其他制冷机组	旧机电产品进口
1580	8418699010	带制冷装置的发酵罐	旧机电产品进口
1581	8418699090	其他制冷设备	旧机电产品进口
1582	8418910000	冷藏或冷冻设备专用的特制家具	旧机电产品进口
1583	8418991000	制冷机组及热泵用零件	旧机电产品进口
1584	8418999100	制冷温度 $\leq -40^{\circ}\text{C}$ 冷冻设备零件	旧机电产品进口
1585	8418999200	制冷温度 $> -40^{\circ}\text{C}$ 大冷藏设备零件	旧机电产品进口
1586	8418999910	耐腐蚀冷凝器	旧机电产品进口
1587	8418999990	编号8418其他制冷设备用零件	旧机电产品进口
1588	8443311010	静电感光式多功能一体加密传真机	旧机电产品进口
1589	8443311090	其他静电感光式多功能一体机	旧机电产品进口
1590	8443319010	其他具有打印和复印两种功能的机器	旧机电产品进口
1591	8443319090	其他具有打印、复印或传真中两种及以上功能的机器	旧机电产品进口
1592	8443321100	专用于税目8471所列设备的针式打印机	旧机电产品进口
1593	8443321200	专用于税目8471所列设备的激光打印机	旧机电产品进口
1594	8443321300	专用于税目8471所列设备的喷墨打印机	旧机电产品进口
1595	8443321900	专用于税目8471所列设备的其他打印机	旧机电产品进口
1596	8443322101	幅宽 $>60\text{cm}$ 的喷墨印刷设备	旧机电产品进口
1597	8443329010	其他加密传真机	旧机电产品进口
1598	8443329090	其他印刷(打印)机、复印机、传真机和电传打字机	旧机电产品进口
1599	8443391100	将原件直接复印(直接法)的静电感光复印设备	旧机电产品进口
1600	8443391200	将原件通过中间体转印(间接法)的静电感光复印设备	旧机电产品进口
1601	8443392100	带有光学系统的其他感光复印设备	旧机电产品进口
1602	8443392200	接触式的其他感光复印设备	旧机电产品进口
1603	8443392300	热敏的其他感光复印设备	旧机电产品进口
1604	8443392400	热升华的其他感光复印设备	旧机电产品进口
1605	8443393100	数字式喷墨印刷机	旧机电产品进口
1606	8443393200	数字式静电照相印刷机(激光印刷机)	旧机电产品进口
1607	8443393900	其他数字式印刷设备	旧机电产品进口
1608	8443399000	其他印刷(打印)机、复印机	旧机电产品进口
1609	8443911000	印刷用辅助机器	旧机电产品进口
1610	8443992100	热敏打印头	旧机电产品进口
1611	8443992901	接触式图像传感器(扫描头)	旧机电产品进口
1612	8443992990	其他数字印刷设备的零件	旧机电产品进口
1613	8471300000	便携式自动数据处理设备	旧机电产品进口

1614	8471411000	巨大中型自动数据处理设备	旧机电产品进口		
1615	8471412000	小型自动数据处理设备	旧机电产品进口		
1616	8471414000	微型机	旧机电产品进口		
1617	8471419000	其他数据处理设备	旧机电产品进口		
1618	8471491000	系统形式报验的巨、大、中型机	旧机电产品进口		
1619	8471492000	以系统形式报验的小型计算机	旧机电产品进口		
1620	8471494000	以系统形式报验的微型机	旧机电产品进口		
1621	8471499100	其他分散型工业过程控制设备	旧机电产品进口		
1622	8471499900	以系统形式报验的其他计算机	旧机电产品进口		
1623	8471501000	巨, 大, 中型机处理部件	旧机电产品进口		
1624	8471502000	小型机的处理部件	旧机电产品进口		
1625	8471504000	微型机的处理部件	旧机电产品进口		
1626	8471509000	847141或847149以外设备的处理部件	旧机电产品进口		
1627	8471604000	巨, 大, 中及小型计算机用终端	旧机电产品进口		
1628	8471605000	自动数据处理设备的扫描器	旧机电产品进口		
1629	8471606000	自动数据处理设备的数字化仪	旧机电产品进口		
1630	8471607100	键盘	旧机电产品进口		
1631	8471607200	鼠标器	旧机电产品进口		
1632	8471609000	计算机的其他输入或输出部件	旧机电产品进口		
1633	8471701000	计算机硬盘驱动器	旧机电产品进口		
1634	8471702000	自动数据处理设备的软盘驱动器	旧机电产品进口		
1635	8471703010	具有刻录功能的光盘驱动器	旧机电产品进口		
1636	8471703090	其他光盘驱动器	旧机电产品进口		
1637	8471709000	自动数据处理设备的其他存储部件	旧机电产品进口		
1638	8471800000	其他自动数据处理设备的部件	旧机电产品进口		
1639	8471900010	专用于复制的光盘刻录机	旧机电产品进口		
1640	8471900090	未列名的磁性或光学阅读器	旧机电产品进口		
1641	8506300000	氧化汞的原电池及原电池组			进出口
1642	8507100000	起动活塞式发动机用铅酸蓄电池	出口		
1643	8507200000	其他铅酸蓄电池	出口		
1644	8516500000	微波炉	旧机电产品进口		
1645	8516603000	电饭锅	旧机电产品进口		
1646	8517110010	无绳加密电话机	旧机电产品进口		
1647	8517110090	其他无绳电话机	旧机电产品进口		
1648	8517121011	GSM数字式手持无线电话整套散件	旧机电产品进口		
1649	8517121019	其他GSM数字式手持无线电话机	旧机电产品进口		
1650	8517121021	CDMA数字式手持无线电话整套散件	旧机电产品进口		
1651	8517121029	其他CDMA数字式手持无线电话机	旧机电产品进口		
1652	8517121090	其他手持式无线电话机	旧机电产品进口		
1653	8517122000	对讲机	旧机电产品进口		
1654	8517129010	其他用于蜂窝网络或其他无线网络的加密电话机	旧机电产品进口		
1655	8517129090	其他用于蜂窝网络或其他无线网络的电话机	旧机电产品进口		

1656	8517180010	其他加密电话机	旧机电产品进口
1657	8517180090	其他电话机	旧机电产品进口
1658	8517623500	集线器	旧机电产品进口
1659	8517623610	非光通讯加密路由器	旧机电产品进口
1660	8517623690	其他路由器	旧机电产品进口
1661	8517623900	其他有线数字通信设备	旧机电产品进口
1662	8517629200	无线网络接口卡	旧机电产品进口
1663	8517629300	无线接入固定台	旧机电产品进口
1664	8517629900	其他接收、转换并发送或再生音像或其他数据用的设备	旧机电产品进口
1665	8517691001	用于呼叫、提示和寻呼的便携式接收器	旧机电产品进口
1666	8517691090	其他无线通信设备	旧机电产品进口
1667	8517699000	其他有线通信设备	旧机电产品进口
1668	8521101100	广播级磁带录像机	旧机电产品进口
1669	8521101900	其他磁带型录像机	旧机电产品进口
1670	8521102000	磁带放像机	旧机电产品进口
1671	8521901110	具有录制功能的视频高密光盘 (VCD) 播放机	旧机电产品进口
1672	8521901190	其他视频高密光盘 (VCD) 播放机	旧机电产品进口
1673	8521901210	具有录制功能的数字化视频光盘 (DVD) 播放机	旧机电产品进口
1674	8521901290	其他数字化视频光盘 (DVD) 播放机	旧机电产品进口
1675	8521901910	具有录制功能的其他激光视盘播放机	旧机电产品进口
1676	8521901990	其他激光视盘播放机	旧机电产品进口
1677	8521909010	用于光盘生产的金属母盘生产设备	旧机电产品进口
1678	8521909090	其他视频信号录制或重放设备	旧机电产品进口
1679	8523521000	未录制的“智能卡”	旧机电产品进口
1680	8523529010	加密“智能卡”	旧机电产品进口
1681	8523529090	其他“智能卡”	旧机电产品进口
1682	8525801110	抗辐射电视摄像机	旧机电产品进口
1683	8525801190	其他特种用途电视摄像机	旧机电产品进口
1684	8525801200	非特种用途广播级电视摄像机	旧机电产品进口
1685	8525801301	手机用摄像组件	旧机电产品进口
1686	8525801390	其他非特种用途电视摄像机及其他摄像组件	旧机电产品进口
1687	8525802100	特种用途的数字照相机	旧机电产品进口
1688	8525802200	非特种用途的单镜头反光型数字照相机	旧机电产品进口
1689	8525802900	非特种用途的其他数字照相机	旧机电产品进口
1690	8525803100	特种用途视频摄录一体机	旧机电产品进口
1691	8525803200	非特种用途的广播级视频摄录一体机	旧机电产品进口

1692	8525803300	非特种用途的家用型视频摄录一体机	旧机电产品进口
1693	8525803900	非特种用途的其他视频摄录一体机	旧机电产品进口
1694	8528410000	专用或主要用于税目84.71商品的阴极射线管监视器	旧机电产品进口
1695	8528491000	其他彩色的阴极射线管监视器	旧机电产品进口
1696	8528499000	其他黑白或其他单色的阴极射线管监视器	旧机电产品进口
1697	8528511000	专用或主要用于税目84.71商品的液晶监视器	旧机电产品进口
1698	8528519000	其他专用或主要用于税目84.71商品的监视器	旧机电产品进口
1699	8528591000	其他彩色的监视器	旧机电产品进口
1700	8528599000	黑白或其他单色的监视器	旧机电产品进口
1701	8528610010	专用或主要用于税目84.71商品的彩色投影机	旧机电产品进口
1702	8528610090	其他专用或主要用于税目84.71商品的投影机	旧机电产品进口
1703	8528691000	其他彩色的投影机	旧机电产品进口
1704	8528699000	黑白或其他单色的投影机	旧机电产品进口
1705	8528711000	彩色的卫星电视接收机	旧机电产品进口
1706	8528718000	其他彩色的电视接收装置	旧机电产品进口
1707	8528719000	黑白的或其他单色的电视接收装置	旧机电产品进口
1708	8528721100	其他彩色的模拟电视接收机,带阴极射线显像管的	旧机电产品进口
1709	8528721200	其他彩色的数字电视接收机,阴极射线显像管的	旧机电产品进口
1710	8528721900	其他彩色的电视接收机,阴极射线显像管的	旧机电产品进口
1711	8528722100	彩色的液晶显示器的模拟电视接收机	旧机电产品进口
1712	8528722200	彩色的液晶显示器的数字电视接收机	旧机电产品进口
1713	8528722900	其他彩色的液晶显示器的电视接收机	旧机电产品进口
1714	8528723100	彩色的等离子显示器的模拟电视接收机	旧机电产品进口
1715	8528723200	彩色的等离子显示器的数字电视接收机	旧机电产品进口
1716	8528723900	其他彩色的等离子显示器的电视接收机	旧机电产品进口
1717	8528729100	其他彩色的模拟电视接收机	旧机电产品进口
1718	8528729200	其他彩色的数字电视接收机	旧机电产品进口
1719	8528729900	其他彩色的电视接收机	旧机电产品进口
1720	8528730000	黑白或其他单色的电视接收机	旧机电产品进口
1721	8534001000	四层以上的印刷电路	旧机电产品进口
1722	8534009000	四层及以下的印刷电路	旧机电产品进口
1723	8540110000	彩色阴极射线电视显像管	旧机电产品进口
1724	8540120000	黑白或单色阴极射线电视显像管	旧机电产品进口
1725	8540400000	点距<0.4mm彩色数据/图形显示管	旧机电产品进口
1726	8540500000	黑白或其他单色数据/图形显示管	旧机电产品进口
1727	8540609000	其他阴极射线管	旧机电产品进口

1728	8548100000	电池废碎料及废电池		进口	
1729	8908000000	供拆卸的船舶及其他浮动结构体		进口	
1730	9003190010	濒危动物产品制眼镜架	出口		
1731	9101210010	含濒危动物皮自动上弦贵金属机械手表	出口		
1732	9101290010	含濒危动物皮非自动上弦贵金属机械手表	出口		
1733	9102210010	含濒危动物皮其他自动上弦的机械手表	出口		
1734	9102290010	含濒危动物皮其他非自动上弦机械手表	出口		
1735	9113900010	濒危动物皮制的表带及其零件	出口		
1736	9202100011	完税价格≥1.5万美元的含濒危动物皮弓弦乐器	出口		
1737	9202100019	其他含濒危动物皮的弓弦乐器	出口		
1738	9202900010	含濒危动物成分的其他弦乐器	出口		
1739	9206000010	含濒危动物皮的打击乐器	出口		
1740	9404301010	濒危野禽羽毛或羽绒填充的睡袋	出口		
1741	9404901010	濒危野禽羽绒或羽毛填充其他寝具	出口		
1742	9404902010	濒危兽毛填充的寝具	出口		
1743	9504200010	濒危木制的台球用品及附件	出口		
1744	9508100010	有濒危动物的流动马戏团	出口		
1745	9601100010	已加工的濒危兽牙及其制品	出口		
1746	9601900010	其他已加工濒危动物物质雕刻料	出口		
1747	9603301010	濒危动物毛制的画笔	出口		
1748	9603302010	濒危动物毛制的毛笔	出口		
1749	9603309010	濒危动物毛制化妆用的类似笔	出口		
1750	9603509110	濒危动物毛制作为机器零件其他刷	出口		
1751	9603509910	濒危动物毛制作为车辆零件其他刷	出口		
1752	9603901010	濒危野禽羽毛掸	出口		
1753	9603909010	濒危动物毛、鬃、尾制其他帚, 刷	出口		
1754	9606290010	含濒危动物成分的其他钮扣	出口		
1755	9611000010	含濒危动物成分的手用日期戳	出口		
1756	9614001010	含濒危动物成分的烟斗及烟斗头	出口		
1757	9615190010	含濒危动物成分的其他材料制梳子	出口		
1758	9701900010	含濒危动物成分的拼贴画	出口		
1759	9703000010	濒危动植物材料制的雕塑品原件	出口		

备注：1、在海关特殊监管区域开展我国上述出口机电产品售后维修业务的除外
2、禁止旧机电产品进口包括零部件、拆散件

Attachment

2009 Prohibited Commodity Catalogue for Processing Trade

No.	Code of Commodity	Commodity Name	Prohibited Form		
237	2606000000	Aluminium ores and concentrate (Except of not use for Primary aluminium and alumina production)		Import	
1454	7601101000	Containing by weight 99.95% or more of aluminium, Aluminium, not alloyed, Unwrought aluminium	Export		
1455	7601109000	Other, Unwrought aluminium	Export		

2007 Prohibited Commodity Directory in Processing Trade

MOFCOM, General Administration of Customs of the PRC, and Ministry of Environmental Protection of the PRC announcing 2007 Prohibited Commodity Directory in Processing Trade
MOFCOM Announcement [2007] No.17

In accordance with the requirement of 2007 Import and Export Tariff of the PRC and national macro control, MOFCOM, General Administration of Customs of the PRC, and Ministry of Environmental Protection of the PRC formulate 2007 Prohibited Commodity Directory in Processing Trade which is hereby published, and relevant issues are hereby announced as followed:

1. Prohibited import and export commodities, which are announced by the government, also apply to processing trade form.
2. This announcement will be implemented from Apr 26th, 2007.
3. The new supplemental commodities approved as processing trade business by commerce authority before Apr. 26th, 2007, which are allowed to apply processing trade for the record to Custom and fulfilled on the period of validity of the approved contract; network-combined business, which are managed with one enterprise for unit, are allowed to fulfill before , Apr. 5th 2008. The above business which have not fulfill till expiration will not be postponed and managed in accordance to relevant regulations of processing trade.
4. If the new supplemental commodities in commodity catalogue prohibited for export cannot be exported and need to be sold in domestic market, enterprises shall follow Announcement No.52, 2006 of General Administration of Customs, Ministry of Finance, Ministry of Commerce and People's Bank of China to pay tax delay interest in line with current deposit interest rate of the People's Bank of China in the year before the date on tax payment warrant.
5. This announcement shall also be applied to areas under custom special supervision such as bonded area and export processing areas, except for enterprises which have been established and engage in relevant commodity processing and trade before the publication of this announcement.
6. Besides commodities listed in this announcement, commodities like seeds, seedlings, stud stock, chemical fertilizer, feed, additives, antibiotics, etc. that are imported for exported products of planting and breeding, are prohibited for processing trade. Processing trade of commodities of imported commodities (such as obscene publications, harmful and radioactive industrial junks) as prohibited.
7. In accordance with regulations of Law for Administration n Guns of the People's Republic of China, simulation guns are prohibited to be produced or exported by means of processing trade.

8. As from the release of this announcement, Announcement No. 105, 2005 of Ministry of Commerce, General Administration of Customs and State Environmental Protection Administration, and Catalogue Prohibited for Processing Trade of Announcement N.63, 2006 and No.82, 2006 are terminated at the same time. Other regulation shall continue to take effect

Appendix: Prohibited Commodity Directory in Processing Trade

Ministry of Commerce of the PRC
General Administration of Customs of the PRC
Ministry of Environmental Protection of the PRC

Apr. 5, 2007

No.	Code of Commodity	Commodity Name	Prohibited Form		
133	2606000000	Aluminium ores and concentrate (Except of not use for Primary aluminum and alumina production)		Import	
905	7601101000	Containing by weight 99.95% or more of aluminium, Aluminium, not alloyed, Unwrought aluminium	Export		
906	7601109000	Other, Unwrought aluminium	Export		

Note: only aluminium parts are translated

2007 年加工贸易禁止类商品目录

商务部
海关总署 公告
国家环保总局

商务部公告 2007 年第 17 号

公布《2007 年加工贸易禁止类商品目录》

根据 2007 年《中华人民共和国进出口税则》和国家宏观调控的要求，商务部、海关总署和环保总局拟定了 2007 年加工贸易禁止类商品目录，现予公布并将有关事项公告如下：

一、国家已公布的禁止进出口商品同样适用于加工贸易方式。

二、本公告自 2007 年 4 月 26 日起执行。

三、本公告中新增补商品在 2007 年 4 月 26 日以前已经商务主管部门批准的加工贸易业务，允许按规定向海关申请加工贸易备案，并在经审批的合同有效期内执行完毕；以企业为单元管理的联网监管企业允许在 2008 年 4 月 5 日前执行完毕。上述业务到期仍未执行完毕的不予延期，按加工贸易有关规定办理

三、加工贸易禁止类目录中新增补商品到期无法出口需申请内销的，企业须按照《海关总署财政部商务部人民银行税务总局 2006 年第 52 号公告》规定，根据海关税款缴款书日期的上一年度中国人民银行公布的活期存款利率征收缓税利息。

四、本公告也适用于保税区、出口加工区等海关特殊监管区域，但本公告发布之前区内已设立的企业除外。

五、除本公告所列商品外，禁止为种植、养殖等出口产品而进口种子、种苗、种畜、化肥、饲料、添加剂、抗生素等开展加工贸易，禁止开展进口料件属于国家禁止进口商品的加工贸易（如含淫秽内容的废旧书刊，含有害物、放射性物质的工业垃圾等）。

六、按照《中华人民共和国枪支管理法》规定，禁止以加工贸易方式生产、出口仿真枪支。

七、自本公告发布之日起，商务部、海关总署和环保总局 2005 年第 105 号公告、2006 年第 63 号公告、第 82 号公告所列商品目录停止执行，以本公告为准，其它规定继续有效。

附件：加工贸易禁止进出口商品目录

商 务 部
海 关 总 署
环 保 总 局
二〇〇七年四月五日

[illegible]