

中国（上海）自由贸易试验区管理办法

**Administrative Measures for the China (Shanghai) Pilot Free Trade Zone**

上海市人民政府令第7号

**Shanghai Municipal People's Government Decree No. 7**

《中国（上海）自由贸易试验区管理办法》已经2013年9月22日市政府第24次常务会议通过，现予公布，自2013年10月1日起施行。

The "Administrative Measures for the China (Shanghai) Pilot Free Trade Zone" has been approved at the 24<sup>th</sup> session of the Standing Committee of Shanghai Municipal People's Government on 22 September 2013. These Measures come into force as of 1 October 2013.

市长杨雄

Mayor of Shanghai, Xiong Yang

2013年9月29日

29 September 2013

中国（上海）自由贸易试验区管理办法

**Administrative Measures for the China (Shanghai) Pilot Free Trade Zone**

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(Decree No. 7 of Shanghai Municipal People's Government issued on 29 September 2013)

第一章 总则

**Chapter 1 General Provisions**

第一条（目的和依据）

**Article 1 (Purpose and Foundation)**

为了推进中国（上海）自由贸易试验区建设，根据《全国人民代表大会常务委员会关于授权国务院在中国（上海）自由贸易试验区暂时调整有关法律规定的行政审批的决定》、《中国（上海）自由贸易试验区总体方案》和有关法律、法规，制定本办法。

These measures are formulated to advance the construction of the China (Shanghai) Pilot Free Trade Zone, pursuant to the "Decision of the Standing Committee of the National People's Congress on Authorizing the State Council to Temporarily Adjust the Administrative Examination and Approval of Relevant Laws in the China (Shanghai) Free Trade Zone", the "Framework Plan for the China (Shanghai) Pilot Free Trade Zone" and relevant laws, regulations.

## 第二条（适用范围）

### Article 2 (Scope of Application)

本办法适用于经国务院批准设立的中国（上海）自由贸易试验区（以下简称“自贸试验区”）。自贸试验区涵盖上海外高桥保税区、上海外高桥保税物流园区、洋山保税港区和上海浦东机场综合保税区，总面积 28.78 平方公里。

These measures apply to the China (Shanghai) Pilot Free Trade Zone ("Pilot Free Trade Zone") that has been approved to be established by the State Council. The Pilot Free Trade Zone covers a total of 28.78 square km, including *Shanghai Waigaoqiao Bonded Zone, Shanghai Waigaoqiao Bonded Logistics Park, Yangshan Bonded Port and Shanghai Pudong Airport Free Trade Zone.*

## 第三条（区域功能）

### Article 3 (Regional Functions)

自贸试验区推进服务业扩大开放和投资管理体制改革，推动贸易转型升级，深化金融领域开放，创新监管服务模式，探索建立与国际投资和贸易规则体系相适应的行政管理体系，培育国际化、法治化的营商环境，发挥示范带动、服务全国的积极作用。

The Pilot Free Trade Zone shall proactively expand the opening up of the service sector and promote the reform of the investment administrative system; accelerate the transformation and upgrading of trade; intensify the opening up of the financial sector; innovate supervision service model; explore and create an administrative system in line with international investment and trade rules, and cultivate an internationalized business environment so as to play a proactive demonstration role in leading and serving nationwide.

## 第二章 管理机构

### Chapter 2 Administrative Institution

## 第四条（管理机构）

### Article 4 (Administrative Institution)

本市成立中国（上海）自由贸易试验区管理委员会（以下简称“管委会”）。管委会为市政府派出机构，具体落实自贸试验区改革任务，统筹管理和协调自贸试验区有关行政事务。

Shanghai has established the Administration Committee ("Administration Committee") of the China (Shanghai) Free Trade Pilot Zone. The Administration Committee is an agency of the Shanghai Municipal People's Government, which is responsible for the implementation of reform tasks in the Pilot Free Trade Zone as well as the management and coordination of the administrative affairs of the Pilot Free Trade Zone.

市有关部门和浦东新区等区县政府应当加强协作，支持管委会的各项工作。

The relevant departments of the Shanghai Municipal People's Government as well as the People's government of Pudong New Area and the other local governments at the district and county levels shall enhance cooperation and give support for the Administration Committee on various assignments.

## 第五条（机构职责）

### Article 5 (Responsibilities of the Institution)

管委会依照本办法履行以下职责：

The Administration Committee shall perform the following duties pursuant to these Measures:

(一) 负责推进落实自贸试验区各项改革试点任务，研究提出并组织实施自贸试验区发展规划和政策措施，制定自贸试验区有关行政管理制度。

(1) Advancing the implementation of various pilot reform tasks of the Pilot Free Trade Zone, putting forward and organizing the implementation of the development planning and policies of the Pilot Free Trade Zone, as well as formulating relevant administrative system regarding the Pilot Free Trade Zone;

(二) 负责自贸试验区内投资、贸易、金融服务、规划国土、建设、绿化市容、环境保护、劳动人事、食品药品监管、知识产权、文化、卫生、统计等方面的行政管理工作。

(2) Administration within the Pilot Free Trade Zone on aspects such as investment, trade, financial services, state-owned land planning, construction, green and urban appearance, environment protection, human resources, food and drug supervision, intellectual property, culture service, health, statistics and etc;

(三) 领导工商、质监、税务、公安等部门在自贸试验区内的行政管理工作；协调海关、检验检疫、海事、金融等部门在自贸试验区内的行政管理工作。

(3) Leading industry & commerce, quality supervision, taxation, public security and other administrative authorities to carry out administrative assignments within the Pilot Free Trade Zone; coordinate the administrative assignments within the Pilot Free Trade Zone carried out by Customs, inspection & quarantine, marine, finance and other administrative authorities;

(四) 承担安全审查、反垄断审查相关工作。

(4) Security review and anti-monopoly investigation;

(五) 负责自贸试验区内综合执法工作，组织开展自贸试验区内城市管理、文化等领域行政执法。

(5) Comprehensive enforcement of laws and regulations within the Pilot Free Trade Zone; enforcement of administrative regulations within the Pilot Free Trade Zone regarding urban governance, culture and other sectors;

(六) 负责自贸试验区内综合服务工作，为自贸试验区内企业和相关机构提供指导、咨询和服务。

(6) A wide variety of services within the Pilot Free Trade Zone and providing guidance, consultation and service for enterprises and relevant institutions within the Pilot Free Trade Zone;

(七) 负责自贸试验区内信息化建设工作，组织建立自贸试验区监管信息共享机制和平台，及时发布公共信息。

(7) Construction of information system within the Pilot Free Trade Zone, and establishing a supervision information sharing mechanism and platform within the Pilot Free Trade Zone, releasing information for public use in a timely fashion;

(八) 统筹指导自贸试验区内产业布局和开发建设活动，协调推进自贸试验区内重大投资项目建设。

(8) Offering overall guidance on the industry layout as well as development and construction activities within the Pilot Free Trade Zone, and advancing the construction of major investment projects within the Pilot Free Trade Zone; and

(九) 市政府赋予的其他职责。

(9) Other responsibilities granted by the Shanghai Municipal Government.

原由上海外高桥保税区管理委员会、洋山保税港区管理委员会、上海综合保税区管理委员会分别负责的有关行政事务，统一由管委会承担。

The administrative responsibilities that were previously in the charge of respectively by the Administration Committee of Shanghai Waigaoqiao Bonded Zone, the Administration Committee of Yangshan Bonded Port and the Administration Committee of Shanghai Comprehensive Bonded Zone shall be all taken over by the Administration Committee.

## 第六条（综合执法）

### Article 6 (Comprehensive Enforcement of Law)

管委会综合执法机构依法履行以下职责：

The enforcement institution under the Administration Committee shall perform the following duties pursuant to laws:

（一）集中行使城市管理领域、文化领域的行政处罚权，以及与行政处罚权有关的行政强制措施权和行政检查权。

(1) Exercising the administrative penalty rights in a centralized manner regarding the aspects of urban governance and culture sectors, as well as exercising the rights of administrative coercive measures and administrative examination relating to administrative penalty rights;

（二）集中行使原由本市规划国土、建设、住房保障房屋管理、环境保护、民防、人力资源社会保障、知识产权、食品药品监管、统计部门依据法律、法规和规章行使的行政处罚权，以及与行政处罚权有关的行政强制措施权和行政检查权。

(2) Exercising the administrative penalty rights in a centralized manner, which were previously exercised by the government bodies of Shanghai Municipal Government in accordance with laws and regulations, including state-owned land planning, construction, housing security and house administration, environment protection, civil defense, human resources and social security, intellectual property, food and drug supervision and statistics administrative authorities, as well as exercising rights of administrative coercive measures and administrative examinations relating to administrative penalty rights; and

（三）市政府决定由管委会综合执法机构行使的其他行政处罚权。

(3) Other administrative penalty rights granted by the Shanghai Municipal Government to the enforcement institution of the Administration Committee.

## 第七条（集中服务场所）

### Article 7 (Joint Service Spots)

管委会应当依据自贸试验区的区域布局和企业需求，设立集中办理行政服务和管理事项的场所。

The Administration Committee shall set up spots for joint administrative services and management affairs based on the layout of the Pilot Free Trade Zone and the needs of enterprises within the Pilot Free Trade Zone.

## 第八条（驻区机构）

### Article 8 (Branch Offices)

海关、检验检疫、海事、工商、质监、税务、公安等部门设立自贸试验区办事机构，依法履行自贸试验区有关监管和行政管理职责。

Branch offices of Customs, inspection & quarantine, marine, industry & commerce, quality supervision, taxation, public security and other government administrative authorities shall be set up in the Pilot Free Trade Zone in accordance with laws to perform supervision and administrative duties in the Pilot Free Trade Zone.

## 第九条（其他行政事务）

### Article 9 (Other administrative affairs)

市有关部门和浦东新区政府按照各自职责，承担自贸试验区其他行政事务。

Relevant departments of the Shanghai Municipal People's Government and the government of Pudong New Area shall be responsible for other administrative affairs within the Pilot Free Trade Zone in line with their duties.

### 第三章 投资管理

#### Chapter 3 Investment Administration

##### 第十条（服务业扩大开放）

##### Article 10 (Opening up of Service Sector)

自贸试验区根据《中国（上海）自由贸易试验区总体方案》，在金融服务、航运服务、商贸服务、专业服务、文化服务和社会服务等领域扩大开放，暂停或者取消投资者资质要求、股比限制、经营范围限制等准入限制措施。自贸试验区根据先行先试推进情况以及产业发展需要，不断探索扩大开放的领域、试点内容及相应的制度创新措施。

Pursuant to the Framework Plan, the Pilot Free Trade Zone will further expand the opening up of the following sectors: financial service, transportation service, commerce and trade service, professional service, cultural service and public service. Market access restrictions such as requirements concerning the qualification of investors, limitations on foreign participation, business scope restrictions will be suspended or eliminated. Based on the progress of the pilot program and the industry development, the Pilot Free Trade Zone will gradually explore the fields to be further opened up, pilot contents and corresponding measures for system innovation.

##### 第十一条（负面清单管理模式）

##### Article 11 ("Negative List" Approach)

自贸试验区实行外商投资准入前国民待遇，实施外商投资准入特别管理措施（负面清单）管理模式。

The Pilot Free Trade Zone adopts "National Treatment" on foreign investment permission and implements special administrative measures on foreign investment access ("Negative List").

对外商投资准入特别管理措施（负面清单）之外的领域，按照内外资一致的原则，将外商投资项目由核准制改为备案制，但国务院规定对国内投资项目保留核准的除外；将外商投资企业合作合同章程审批改为备案管理。

For sectors falling outside the "Negative List," foreign investors and domestic investors will receive the same treatment, by going through filing procedures instead of approving requirement, with the exception of areas specifically defined by the State Council. The approving requirement on foreign investment contracts and Articles of Association will be replaced by a filing procedure.

自贸试验区外商投资准入特别管理措施（负面清单），由市政府公布。外商投资项目和外商投资企业备案办法，由市政府制定。

The special administrative measures on foreign investment access in the Pilot Free Trade Zone ("Negative List") shall be announced by the Shanghai Municipal Government. The measures for the filing procedures of foreign invested projects and foreign invested enterprises shall be formulated by the Shanghai Municipal Government.

##### 第十二条（境外投资备案制）

##### Article 12 (Filing of Outbound Investment)

自贸试验区内企业到境外投资开办企业，实行以备案制为主的管理方式，对境外投资一般项目实行备案制。

The setup of overseas enterprises by enterprises in the Pilot Free Trade Zone will be principally subject to the filing requirement, which also applies to the general outbound investment projects.

境外投资开办企业和境外投资项目备案办法，由市政府制定。

The measures for the filing of outbound investment in setting up of overseas enterprises and outbound investment projects shall be formulated by the Shanghai Municipal Government.

### 第十三条（注册资本认缴登记制）

#### Article 13 ("Subscribed Capital" Mechanism)

自贸试验区实行注册资本认缴登记制，公司股东（发起人）对其认缴出资额、出资方式、出资期限等自主约定并记载于公司章程，但法律、行政法规对特定企业注册资本登记另有规定的除外。

The Pilot Free Trade Zone will implement the "subscribed capital" mechanism, where the shareholders (the founders) of the company may discretionally agree and decide on the amounts, methods and terms of their capital contribution, and record these in the Articles of Association, except where laws and regulations stipulate otherwise on the registration of certain enterprise's registered capital.

公司股东（发起人）对缴纳出资情况的真实性、合法性负责，并以其认缴的出资额或者认购的股份为限对公司承担责任。

The shareholders (founders) of a company shall be responsible for the authenticity and the legitimacy of the contributions and shall assume responsibility for the company corresponding to the amount of their contributions or the equity they have subscribed for.

### 第十四条（营业执照与经营许可）

#### Article 14 (Business License and Permit)

自贸试验区内取得营业执照的企业即可从事一般生产经营活动；从事需要许可的生产经营活动的，可以在取得营业执照后，向主管部门申请办理。

Enterprises within the Pilot Free Trade Zone that have obtained business licenses shall be allowed to engage in general production and business operations; for activities where permits are required, enterprises shall apply for the permit to competent authorities after obtaining their business licenses.

法律、行政法规规定设立企业必须报经批准的，应当在申请办理营业执照前依法办理批准手续。

Where laws and regulations stipulate that the establishment of an enterprise must be reported for approval, the approving formalities shall be processed prior to the application for a business license.

## 第四章 贸易发展和便利化

### Chapter 4 Trade Development and Facilitation

### 第十五条（贸易转型升级）

#### Article 15 (Trade Transformation and Upgrading)

自贸试验区积极发展总部经济，鼓励跨国公司在自贸试验区内设立亚太地区总部，建立整合贸易、物流、结算等功能的营运中心。

The Pilot Free Trade Zone proactively promotes the headquarter economy by encouraging multinational companies to set up Asia Pacific regional headquarters in the Pilot Free Trade Zone and establish operation centers with comprehensive functions of trading, logistics, settlement, etc.

自贸试验区推动国际贸易、仓储物流、加工制造等基础业务转型升级，发展离岸贸易、国际贸易结算、国际大宗商品交易、融资租赁、期货保税交割、跨境电子商务等新型贸易业务。

The Pilot Free Trade Zone advances the transformation and upgrading of foundational basic businesses such as international trade, warehouse and logistics as well as processing and manufacturing. In addition, enterprises in the Pilot Free Trade Zone are encouraged to develop new trade businesses such as offshore trading, international settlement, international commodities trading, financial leasing, bonded futures delivery, trans-border e-commerce, etc.

鼓励自贸试验区内企业统筹开展国际国内贸易，实现内外贸一体化发展。

Enterprises within the Pilot Free Trade Zone are encouraged to employ a comprehensive plan in international and domestic trade to integrate the development of domestic and foreign trading business.

## 第十六条（航运枢纽功能）

### Article 16 (Function as Transportation Hub)

自贸试验区发挥与外高桥港、洋山深水港、浦东空港枢纽的联动作用，加强与自贸试验区外航运产业集聚区的协同发展。

The Pilot Free Trade Zone will leverage on the Waigaoqiao Port, Yangshan Deep-Water Port and Pudong International Airport to enhance the joint development with transportation industrial areas outside the Pilot Free Trade Zone.

自贸试验区发展航运金融、国际船舶运输、国际船舶管理、国际船员管理、国际航运经纪等产业，发展航运运价指数衍生品交易业务。自贸试验区发展航空货邮国际中转，加大航线、航权开放力度。

The development of industries such as shipping financing, international ship transportation, international ship management, international crew management and international shipping brokerage, as well as the development of freight index derivatives will be proactively encouraged. Flights for international cargo transit will be developed in the Pilot Free Trade Zone with a further relaxation of restrictions in air routes and traffic right.

自贸试验区实行具有竞争力的国际船舶登记政策，建立高效率的船籍登记制度。自贸试验区内企业可以将“中国洋山港”作为船籍港进行船舶登记，从事国际航运业务。

The Pilot Free Trade Zone will implement registration policy for international ships with competitive advantages and establish efficient ship registration system. Enterprises within the Pilot Free Trade Zone may take "China Yangshan Port" as their registration port and engage in international shipping business.

## 第十七条（进出境监管制度创新）

### Article 17 (Entry and Exit Supervision System Innovation)

对自贸试验区和境外之间进出货物，允许自贸试验区内企业凭进口舱单信息将货物先行提运入区，再办理进境备案手续。对自贸试验区和境内区外之间进出货物，实行智能化卡口、电子信息联网管理模式，完善清单比对、账册管理、卡口实货核注的监管制度。

For goods entry and exit between the Pilot Free Trade Zone and overseas, enterprises within the Pilot Free Trade Zone may use the information on the import manifests to import the goods into the zone before completing the Customs filing formalities. For goods entry and exit between the Pilot Free Trade Zone and the other areas within China but outside the Pilot Free Trade Zone, the intelligent check point and e-information network management model will be adopted so as to have a sound supervision system for record listing cross check, accounting books management and goods examination at the check point.

允许自贸试验区内企业在货物出区前自行选择时间申请检验。

Enterprises within the Pilot Free Trade Zone may apply for goods inspection and examination at their choice of time prior to the goods exiting the zone.

自贸试验区推进货物状态分类监管模式。对自贸试验区内的保税仓储、加工等货物，按照保税货物状态监管；对通过自贸试验区口岸进出口或国际中转的货物，按照口岸货物状态监管；对进入自贸试验区内特定的国内贸易货物，按照非保税货物状态监管。

The Pilot Free Trade Zone advances the categorized supervision model to monitor goods based on their status. For goods kept in the bonded warehouse or under processing in the Pilot Free Trade Zone, they shall be supervised based on the bonded goods status; for goods transit through the ports of Pilot Free Trade Zone, they shall be supervised based on the goods status at port; for certain domestic trading goods entering the Pilot Free Trade Zone, they shall be supervised based on non-bonded goods condition.

## 第十八条（进出境监管服务便利化）

### Article 18 (Entry and Exit Supervision Facilitation)

自贸试验区推进新型业务监管创新试点，建立与服务贸易、离岸贸易和新型贸易业务发展需求相适应的监管模式。

The Pilot Free Trade Zone promotes supervision innovation pilot on new business models, and will establish a supervision mode in line with the development of service trade, offshore trading and new business model of trade.

自贸试验区积极发展国际中转、集拼和分拨业务。推行“一次申报、一次查验、一次放行”模式。

The Pilot Free Trade Zone will proactively develop international transit, LCL and distribution services. The approach for "onetime declaration, onetime examination and onetime release" will be adopted.

简化自贸试验区内货物流转手续，按照“集中申报、自行运输”的方式，推进自贸试验区内企业间货物流转。

The goods circulation formalities within the Pilot Free Trade Zone will be streamlined. Goods circulation between enterprises within the Pilot Free Trade Zone will be accelerated according to a "consolidated declaration and independent transportation" approach.

鼓励设立进出口商品检验鉴定机构。建立对第三方检验鉴定机构检测结果的采信机制。

Inspection and appraisal institutions for export goods are encouraged to set up. The recognition mechanism for the appraisal results provided by the third-party inspection and appraisal institutions will be established.

## **第五章 金融创新与风险防范**

### **Chapter 5 Financial Innovation and Risk Prevention**

#### **第十九条（金融创新）**

##### **Article 19 (Financial Innovation)**

在自贸试验区开展金融领域制度创新、先行先试，建立自贸试验区金融改革创新与上海国际金融中心建设的联动机制。

The Pilot Free Trade Zone will pilot innovations in financial sector. A mechanism will be established to associate financial reforms in the Pilot Free Trade Zone with Shanghai's development into an international financial center.

#### **第二十条（资本项目可兑换）**

##### **Article 20 (Convertibility of Capital Account Items)**

在自贸试验区实行资本项目可兑换，在风险可控的前提下，通过分账核算方式，创新业务和管理模式。

The capital account items are convertible within the Pilot Free Trade Zone. Under the premise of risk control, business and management models will be innovated with capital flows in respect of the Pilot Free Trade Zone being separately accounted for.

#### **第二十一条（利率市场化）**

##### **Article 21 (Interest Rate Liberalization)**

在自贸试验区培育与实体经济发展相适应的金融机构自主定价机制，逐步推进利率市场化改革。

Marketing-oriented pricing mechanism will be cultivated, where financial institutions may discretionally determine the price in the Pilot Free Trade Zone, to cope with the development of real economy. The reform of interest rate liberalization will be promoted in a progressive way.

#### **第二十二条（人民币跨境使用）**

##### **Article 22 (Cross-Border Use of RMB)**



自贸试验区内机构跨境人民币结算业务与前置核准环节脱钩。自贸试验区内企业可以根据自身经营需要，开展跨境人民币创新业务，实现人民币跨境使用便利化。

The cross-border RMB settlement for institutions within the Pilot Free Trade Zone will not be subject to a pre-approval requirement. Enterprises within the Pilot Free Trade Zone may carry out innovative cross-border RMB business based on their business needs to facilitate cross-border use of RMB.

### **第二十三条（外汇管理）**

#### **Article 23 (Foreign Exchange Control)**

建立与自贸试验区发展需求相适应的外汇管理体制，推进贸易投资便利化。

A foreign exchange control system in line with the development needs of the Pilot Free Trade Zone will be established to facilitate trade and investment.

### **第二十四条（金融主体发展）**

#### **Article 24 (Development of Financial Institutions)**

根据自贸试验区需要，经国家金融管理部门批准，允许不同层级、不同功能、不同类型的金融机构进入自贸试验区，允许金融市场在自贸试验区内建立面向国际的交易平台，提供多层次、全方位的金融服务。

In correspondence with the needs of the Pilot Free Trade Zone, upon the approval of the State financial management authorities, financial institutions of different levels, functions or types are allowed to enter the Pilot Free Trade Zone. In addition, an international trading platform is allowed to be established in the Pilot Free Trade Zone to provide multilevel and all-dimensional financial services.

### **第二十五条（风险防范）**

#### **Article 25 (Risk Prevention)**

本市加强与国家金融管理部门的协调，配合国家金融管理部门在自贸试验区建立与金融业务发展相适应的监管和风险防范机制。

Shanghai will reinforce the coordination with State financial management authorities, and cooperate with them to establish a supervision and risk prevention mechanism in line with the development of financial business.

## **第六章 综合管理和服**

### **Chapter 6 Comprehensive Administration and Service**

### **第二十六条（优化管理）**

#### **Article 26 (Optimized Administration)**

自贸试验区按照国际化、法治化的要求，建立高效便捷的管理和服务模式，促进投资和贸易便利化。

To create a regulatory environment in line with the international practice, the Pilot Free Trade Zone will establish an administration and service model with high efficiency to facilitate investment and trade.

### **第二十七条（管理信息公开）**

#### **Article 27 (Public Disclosure of Administrative Information)**

管委会和有关部门在履职过程中制作或者获取的政策内容、管理规定、办事程序及规则等信息应当公开、透明，方便企业查询。

The information concerning policies, regulations, procedures and rules formulated or obtained by the Administration Committee and relevant authorities when performing their duties shall be publicly disclosed, transparent and easily accessed by enterprises.

自贸试验区有关政策措施、制度规范在制定和调整过程中，应当主动征求自贸试验区内企业意见。

When formulating and adjusting relevant policies and measures for the Pilot Free Trade Zone, government authorities shall take the initiative to consult enterprises within the Pilot Free Trade Zone.

#### 第二十八条（一口受理机制）

##### Article 28 ("One Window" Acceptance Mechanism)

自贸试验区工商部门会同税务、质检等部门和管委会建立外商投资项目核准（备案）以及企业设立（变更）“一表申报、一口受理”工作机制。工商部门统一接收申请人提交的申请材料，统一向申请人送达有关文书。

The industry and commerce authority in the Pilot Free Trade Zone will cooperate with administrative authorities such as tax and quality supervision as well as the Administration Committee to establish a mechanism of "one form" declaration and "one window" acceptance for foreign investment project approval (filing) and enterprise establishment (changes of registration information). The industry and commerce authority shall accept the application materials submitted by the applicants in a unified manner and deliver relevant documents to the applicants in a unified manner as well.<sup>1</sup>

管委会建立自贸试验区内企业境外投资备案“一表申报、一口受理”工作机制，统一接收申请人提交的申请材料，统一向申请人送达有关文书。

The Administration Committee will establish a mechanism of "one-form" declaration and "one window" acceptance for the filing of outbound investment made by enterprises in the Pilot Free Trade Zone to uniformly accept the application materials submitted by the applicants and uniformly deliver the relevant document to the applicants.

#### 第二十九条（完善监管）

##### Article 29 (Supervision Improvement)

管委会和有关部门应当按照自贸试验区改革需求，实行以事中、事后监管为主的动态监管，优化管理流程和管理制度。

The Administration Committee and relevant authorities shall carry out dynamic supervision mainly through mid-event control and subsequent supervision, which is in line with the reform needs of the Pilot Free Trade Zone, and optimize the administration procedure and management system.

自贸试验区执法检查情况，应当依法及时公开。涉及食品药品安全、公共卫生、环境保护、安全生产的，还应当公开处理进展情况，并发布必要的警示、预防建议等信息。

The Pilot Free Trade Zone will carry out law enforcement examination and made it public pursuant to laws and regulations. Where the food and drug security, public health, environment protection, and safe manufacturing issues involved, the dealing process shall be publicized with necessary warnings, preventive advice or other messages.

#### 第三十条（安全审查和反垄断审查）

##### Article 30 (Safety Review and Anti-Monopoly Investigation)

自贸试验区建立安全审查和反垄断审查的相关工作机制。

Relevant mechanism for security review and anti-monopoly investigation shall be established in the Pilot Free Trade Zone.

投资项目或者企业属于安全审查、反垄断审查范围的，管委会应当及时提请开展安全审查、反垄断审查。

Where the investment projects or enterprises fall within the scope of security review and anti-monopoly investigation, the Administration Committee shall propose to carry out security review and anti-monopoly investigation in a timely manner.

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<sup>1</sup> The applicants do not need to send or receive documents to or from multiple authorities.

### 第三十一条（知识产权保护）

#### Article 31 (Protection of Intellectual Property)

加强自贸试验区知识产权保护，鼓励和支持专业机构提供知识产权调解、维权援助等服务。

Intellectual property protection in the Pilot Free Trade Zone will be enhanced. Professional institutions are encouraged and supported to provide services such as intellectual property related conciliation assistance and other services in intellectual property protection.

管委会负责自贸试验区内专利纠纷的行政调解和处理。

The Administration Committee in the Pilot Free Trade Zone shall be responsible for the administrative conciliation and process of patent disputes arisen in the Pilot Free Trade Zone.

### 第三十二条（企业年度报告公示）

#### Article 32 (Public Announcement of Enterprises' Annual Reports)

实行自贸试验区内企业年度报告公示制度。自贸试验区内企业应当向工商部门报送年度报告。年度报告应当向社会公示，涉及商业秘密内容的除外。企业对年度报告的真实性、合法性负责。

The annual reports of the enterprises in the China (Shanghai) Pilot Free Trade Zone shall be publicly announced. Enterprises in the Pilot Free Trade Zone shall submit annual reports to the industry and commerce authority. The annual reports shall be publicly released, except for commercial secret related contents. Enterprises shall be responsible for the authenticity and legitimacy of the annual reports.

自贸试验区内企业年度报告公示办法另行制定。

The public announcement measures for the annual report of enterprises in the Pilot Free Trade Zone shall be stipulated separately.

### 第三十三条（信用信息制度）

#### Article 33 (Credit Information System)

建立自贸试验区内企业信用信息记录、公开、共享和使用制度，推行守信激励和失信惩戒联动机制。

A system of the recording, publicizing, sharing and using of the credit information of enterprises in the Pilot Free Trade Zone will be established to advance credit incentive and credit-cracked penalty mechanism.

### 第三十四条（监管信息共享）

#### Article 34 (Information Sharing)

管委会组织建立自贸试验区监管信息共享机制和平台，实现海关、检验检疫、海事、金融、发展改革、商务、工商、质监、财政、税务、环境保护、安全生产监管、港口航运等部门监管信息的互通、交换和共享，为优化管理流程、提供高效便捷服务、加强事中事后监管提供支撑。

The Administration Committee shall establish a supervision information sharing mechanism and platform in the Pilot Free Trade Zone to achieve the communication, exchange and sharing of supervision information for government authorities such as Customs, inspection & quarantine, marine affairs, financial, development & reform, commerce, industry & commerce, quality supervision, finance & tax, environment protection, safe manufacturing supervision and port shipping, so as to optimize administrative procedures, provide services with high efficiency, and enhance the support for mid-event control and subsequent supervision.

### 第三十五条（综合性评估）

#### Article 35 (Comprehensive Evaluation)

本市在自贸试验区建立行业信息跟踪、监管和归集的综合评估机制。市发展改革部门会同市有关部门和管委会建立工作机制，开展行业整体、行业企业试点实施情况和风险防范的综合评估，提出有关评估报告，推进完善扩大开放领域、试点内容和制度创新措施。

Shanghai will establish a comprehensive evaluation mechanism for industry information tracking, supervision and collection. The Shanghai development and reform authority as well as relevant other authorities and the Administration Committee shall establish a working mechanism to carry out comprehensive evaluation on pilot implementation and risk prevention for the entire industry and enterprises; put forward relevant evaluation report and expand the opening up areas, pilot contents and systematic innovation measures.

### 第三十六条（行政复议和诉讼）

#### Article 36 (Administrative Review and Litigation)

当事人对管委会或者有关部门的具体行政行为不服的，可以依照《中华人民共和国行政复议法》或者《中华人民共和国行政诉讼法》的规定，申请行政复议或者提起行政诉讼。

Where the parties disagree with a specific administrative act of the Administration Committee or relevant authorities, they may apply for administrative review or bring it to Court in accordance with the Law of People's Republic of China on Administrative Review or the Law of People's Republic of China on Administrative Litigation.

### 第三十七条（商事纠纷解决）

#### Article 37 (Commercial Dispute Solution)

自贸试验区内企业发生商事纠纷的，可以向人民法院起诉，也可以按照约定，申请仲裁或者商事调解。

Where commercial disputes arise between enterprises in the Pilot Free Trade Zone, they can bring them to the People's Courts or apply for arbitration or commercial conciliation pursuant to the agreement.

支持本市仲裁机构依据法律、法规和国际惯例，完善仲裁规则，提高自贸试验区商事纠纷仲裁专业水平和国际化程度。

The arbitration institution of Shanghai will be supported to improve the arbitration rules, and promote the professional standard of commercial dispute arbitrations in accordance with laws, regulations, and international practices.

支持各类商事纠纷专业调解机构依照国际惯例，采取多种形式，解决自贸试验区商事纠纷。

Professional dispute reconciliation institutions are supported to adopt various forms to settle the commercial disputes in the Pilot Free Trade Zone.

## 第七章 附则

### Chapter 7 Supplement

#### 第三十八条（附件）

#### Article 38 (Appendix)

管委会承担的行政审批事项、具体管理事务和管委会综合执法机构集中行使的行政处罚权，由本办法附件予以明确。

The appendix of these measures will specify the administrative approval and detailed management affairs undertaken by the Administration Committee as well as the administrative penalty rights exercisable by the enforcement institution of the Administration Committee.

#### 第三十九条（施行日期）

#### Article 39 (Implementation Date)

本办法自 2013 年 10 月 1 日起施行。

These measures will come into force as of 1 October 2013.

## 附件

### Appendix

#### 一、管委会承担的行政审批事项

##### I. The administrative approval items undertaken by the Administration Committee

(一) 投资管理部门委托的企业投资项目的核准。

(1) The approval of enterprise investment projects as authorized by the investment administration authority.

(二) 商务管理部门委托的外商投资企业设立和变更审批，境外投资开办企业审批。

(2) The approval of foreign invested enterprise establishment and changing of relevant registered items as well as the approval of outbound investment to establish overseas enterprises as authorized by the commerce authority.

(三) 规划管理部门委托的建设项目选址意见书、核定规划条件、建设用地规划许可证、建设工程规划设计方案、建设工程规划许可证的审批，建设工程竣工规划验收。

(3) The approval of the opinion letter on construction site selection, check of the planning terms, the construction land planning permit, construction planning design, construction planning permit and the completion acceptance of construction project, as authorized by the construction planning and administration authority,

(四) 除新增建设用地外，土地管理部门委托的国有土地使用权划拨、出让等建设项目用地预审。

(4) Except for the newly added construction land, the pre-review of the assignment and transfer of the state owned land use right authorized by the land management authority.

(五) 建设管理部门委托的建设项目报建许可，建设项目初步设计审批，建设工程施工许可，占用城市道路人行道设置各类设施许可，临时占路及公路用地许可，桥梁安全保护区域内施工许可，掘路许可，道路用地范围内埋设管线和管线穿越、跨越道路审批，增设改建平面交叉道口许可，超限运输车辆行驶许可，外商投资企业首次申请建设工程设计和建筑业企业资质许可。

(5) The approval of construction project reporting permit, construction project preliminary design approval, construction permit, facility permit for taking up city pavement, temporary occupation and use of road permit, construction permit within protected areas for bridge security, road excavation permit, permit for pipeline burying under and across the road, permit for additional construction of the crossroads, driving license for overloaded vehicles, the initial application by foreign-invested enterprise for the relevant qualification permits for project design and construction companies, as authorized by the construction administration authority.

(六) 绿化市容管理部门委托的建设项目配套绿化方案审批及竣工验收、临时使用绿地许可(含公共绿地)，迁移、砍伐树木(古树名木除外)许可，调整公共绿地内部布局、服务设施设置许可，户外广告设施设置或者宣传品、标语的张贴、悬挂许可，户外非广告设施设置审批，配套建设的环境卫生设施规划、设计方案的审批和竣工验收。

(6) The approval and completion acceptance of the greening schemes for construction projects, the permit of temporary use of green fields (including public green fields), the permit to transplant and to fell trees (except for ancient and valuable trees), the permit to adjust the interior layout of public green fields and the service facilities, the permit to install advertising outdoor facilities or post promos and slogans, the approval for the installation of non-advertising outdoor facilities, as well as the approval and completion acceptance of the environmental hygiene facility planning and design for the construction project, as authorized by the urban greening and appearance administration authority.

(七) 环境保护管理部门委托的建设项目环境影响评价、试生产、竣工验收的审批，建筑工地夜间施工审批，污染物处理设施闲置、拆除的审批。

(7) The approval for the environment effect evaluation, the trial production and the completion acceptance of construction projects; the approval for constructions at night and the approval for the disuse or demolition of pollutant processing facilities, as authorized by the environment protection authority.

(八) 民防管理部门委托的结建民防工程审批和施工图审查, 民防工程建设费的收取和减免审核, 民防工程竣工验收, 民防工程的拆除审批。

(8) The approval of civil defense projects and the examination of the construction drawing, the collection of civil defense construction fee and exemption approval, the completion acceptance of civil defense projects and the removal approval of civil projects, as authorized by the civil prevention administration authority.

(九) 科技管理部门委托的高新技术企业认定初审。

(9) The preliminary review of the recognition of high/new-tech enterprises as authorized by the science and technology administration authority.

(十) 人力资源社会保障管理部门委托的企业实行其他工作时间审批, 外国人来沪的就业审批, 台港澳人员来沪就业审批, 定居国外中国人在沪就业核准, 外国专家来沪工作许可, 办理《上海市居住证》B证。

(10) The approval of applying flexible working hours, the employment permit for aliens, residents from Taiwan, Hong Kong and Macao and overseas permanent residency holders, who are working in Shanghai, foreign experts working permit, and Shanghai Residence Permit (Type B), as authorized by the human resource and social security authority.

(十一) 水务管理部门委托的临时停止供水或者降低水压审批, 排水许可证核发。

(11) The approval of temporary suspension or lower the pressure of water supply, the drainage permit as authorized by the water management authority.

(十二) 知识产权管理部门委托的专利代理机构申报初审和专利广告出证, 境外图书出版合同登记, 复制境外音像制品著作权授权合同登记, 进口图书在沪印制备案。

(12) The preliminary review of the application from patent agency and the certificate of patent advertising, the registration of contract for overseas publication, the registration of contract for authorizing copyright to reproduce overseas audio and video products, and the filing of imported books printed in Shanghai as authorized by the intellectual property administration authority.

(十三) 文化管理部门委托的演出经纪机构在自贸试验区内举办演出活动的审批。

(13) The approval of performance held in the Pilot Free Trade Zone by the art performance agency as authorized by the cultural administration authority.

(十四) 卫生计生管理部门委托的建设项目预防性卫生审查。

(14) The preventive sanitation examination for construction projects as authorized by the health and birth control authority.

(十五) 食品药品监管部门委托的药品零售企业开办、变更许可, 餐饮服务许可, 互联网药品交易企业审批。

(15) The approval of establishment (and changes in registered items) drug retail enterprises, catering service permit and the approval for drug on-line trading enterprise as authorized by the food and drug supervision authority.

二、管委会承担的具体管理事务

## II. Specific administrative affairs undertaken by the Administration Committee

(一) 编制区域内控制性详细规划、土地出让计划及各专项规划并按法定程序报批, 审批区域内产业用地控制性详细规划指标的调整, 负责区域内土地利用监管等。

(1) Preparation of the detailed plan of the zone, land transfer plan, and other special planning and report for approval in accordance with statutory approving procedure; approval of the adjustment of planning indicators and the supervision on the land utilization in the zone;

(二) 建设工程招标投标备案, 设计文件审查, 建设工程规划开工放样验收, 基础设施建设(正负零零)及结构封顶备案, 建设项目规划参数调整(包括小于2.0容积率, 绿化率, 建筑密度, 建筑高度, 工业、仓储、研发用地相互转换、拆分及合并), 建设工程质量安全监督检查、竣工备案、建设工程档案验收等建设工程管理工作。

(2) Filing of construction project bidding and tendering, review of the designing documents, the examination and acceptance of the construction project planning sample, the filing of infrastructure construction (plus or minus zero zero) and structure capping, the adjustment of construction project planning parameters (including less than 2.0 volume rate, greening rate, building density and building height, transformation, split and merging of the lands used for industry, storage, research & development), the inspection and supervision of construction quality and safety, the filing of the completion acceptance, as well as the acceptance of construction project records and other construction administrative affairs;

(三) 建筑垃圾和工程渣土处置申报管理, 生活垃圾分类及处置申报管理, 绿化专业工程安全质量监督申报、现场监督管理, 绿地范围控制线划定及调整。

(3) Administration of building and construction dirt disposal report, living garbage categorization and disposal report; report administration and on-site supervision of professional greening project's quality and safety; planning and adjustment of green fields scope control line.

(四) 民防建设工程安全质量监督申报、监督检查管理, 民防工程的维护管理和安全使用管理的监督检查, 地下空间安全使用管理的综合协调。

(4) Quality supervision report and examination administration for civil defense construction project; supervision of the maintenance and safe use of civil defense project; the comprehensive coordination for the safe use of underground space;

(五) 编制区域规划环评及其跟踪评价, 并按规定程序报批; 组织区域环境、污染源的监测和监督管理, 负责污染事故应急处理;

(5) Regional planning environment evaluation and the tracing evaluation, report for approval in accordance with statutory procedures; organizing regional environment monitoring and pollution source supervision, and dealing with pollution incidents;

(六) 安全生产监督检查。

(6) Supervision and examination of production safety;

(七) 演出经纪机构、文化娱乐场所和游戏游艺设备生产企业的日常监管。

(7) Routine supervision of performance agencies, cultural and entertainment facilities, as well as entertainment and gaming consoles manufacturing enterprises;

(八) 食品、药品、医疗器械、保健食品和化妆品生产经营活动的日常监管。

(8) Routine supervision on the production of food, drug, medical instruments, health-care food and makeups; and

(九) 统计管理、协调和监督检查。

(9) Statistics administration, coordination and supervision.

三、管委会综合执法机构集中行使的行政处罚权

### III. The administrative penalty right exercisable by enforcement institution of the Administration Committee

(一) 《上海市城市管理相对集中行政处罚权暂行办法》、《上海市人民政府关于扩大浦东新区城市管理领域相对集中行政处罚权范围的决定》和《上海市文化领域相对集中行政处罚权办法》规定的行政处罚权。

(1) Administrative penalty rights as specified in the "Interim Measures on the Relatively Centralized Power of Administrative Penalties of Shanghai Urban Governance," the "Decision of Shanghai Municipal People's Government on the Expansion of the Scope of Relatively Centralized Power of Administrative Penalties of Pudong New Area Urban Governance" and the "Measures of Shanghai Municipal People's Government on the Relatively Centralized Power of Administrative Penalties in the Field of Culture";

(二) 规划国土管理部门依据法律、法规和规章，对规划和土地方面的违法行为行使的行政处罚权。

(2) The administrative penalty rights exercisable by the land planning and administration authority in accordance with laws and regulations for violations in respect of land and planning;

(三) 建设管理部门依据法律、法规和规章，对建设方面的违法行为行使的行政处罚权。

(3) The administrative penalty right exercisable by the construction administration authority in accordance with laws and regulations for violations in respect of construction activities;

(四) 住房保障房屋管理部门依据法律、法规和规章，对住房保障和房屋方面的违法行为行使的行政处罚权。

(4) The administrative penalty right exercisable by the housing security and house administration authority in accordance with laws and regulations for violations in respect of housing security and house administration;

(五) 环境保护管理部门依据法律、法规和规章，对环境保护方面的违法行为行使的行政处罚权。

(5) The administrative penalty right exercisable by the environment protection administration authority in accordance with laws and regulations for violations in respect of environment protection;

(六) 民防管理部门依据法律、法规和规章，对民防和地下空间使用方面的违法行为行使的行政处罚权。

(6) The administrative penalty right exercisable by the civil defense administration authority in accordance with laws and regulations for violations in respect of civil defense and use of underground space;

(七) 人力资源社会保障管理部门依据法律、法规和规章，对劳动保障方面的违法行为行使的行政处罚权。

(7) The administrative penalty right exercisable by the human resource and social security administration authority in accordance with laws and regulations for violations in respect of labor security;

(八) 知识产权管理部门依据法律、法规和规章，对著作权、专利权方面的违法行为行使的行政处罚权。

(8) The administrative penalty right exercisable by the intellectual property administration authority in accordance with laws and regulations for violations in respect of copyrights and patents;

(九) 食品药品监管部门依据法律、法规和规章，对食品、药品、医疗器械、保健食品和化妆品监管方面的违法行为行使的行政处罚权。

(9) The administrative penalty right exercisable by the food and drug supervision authority in accordance with laws and regulations for violations in respect of administrations on food, drug, medical instruments, health-care food and makeups; and

(十) 统计管理部门依据法律、法规和规章，对统计方面的违法行为行使的行政处罚权。

(10) The administrative penalty right exercisable by the statistics administration authority in accordance with laws and regulations for violations in respect of statistics.

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