

江苏省促进和保护外商投资条例

Regulations of Jiangsu Province on the Promotion and Protection of Foreign Investment

(2023年9月27日江苏省第十四届人民代表大会常务委员会第五次会议通过)

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第一章 总则

Chapter I General Provisions

第一条 为了进一步推进高水平对外开放，促进外商投资，保护外商投资合法权益，巩固开放先导地位，服务和融入构建新发展格局，根据《中华人民共和国外商投资法》《中华人民共和国外商投资法实施条例》等法律、行政法规，结合本省实际，制定本条例。

Article 1 The Regulations are formulated in accordance with the *Foreign Investment Law of the People's Republic of China*, the *Implementing Regulations of the Foreign Investment Law of the People's Republic of China* and other laws and administrative regulations, in light of the actual situation of the Province, and for the purposes of further promoting high-level opening-up, attracting foreign investment, protecting the legitimate rights and interests of foreign investors, consolidating the leading position in opening-up, and serving and integrating into the building of a new development paradigm.

第二条 本省行政区域内的外商投资促进、保护和服务等工作，适用本条例。

Article 2 The Regulations apply to the work of foreign investment promotion, protection, and services within the administrative region of this Province.

第三条 本省鼓励外商投资，坚持市场化、法治化、国际化原则，建立和完善外商投资促进、保护机制，优化外商投资服务，规范外商投资管理，推动外商投资便利化，为外商投资营造稳定、透明、可预期和公平竞争的发展环境。

Article 3 The Province encourages foreign investment, adheres to the market-oriented, law-based and internationalized principles, establishes and improves mechanisms for promoting and protecting foreign investment, optimizes foreign investment services, standardizes foreign investment management, and pushes to facilitate foreign investment, creating a stable, transparent, predictable, and fair competition environment for foreign investment.

第四条 鼓励外国投资者、外商投资企业参与本省具有全球影响力的产业科技创新中心、具有国际竞争力的先进制造业基地、具有世界聚合力的双向开放枢纽，以及“一带一路”交汇点建设。

Article 4 The Province encourages foreign investors and foreign-funded enterprises to invest in the industrial science and technology innovation centers with global influence, advanced manufacturing bases with international competitiveness, globally-attractive two-way opening-up hubs, and construction projects of the “Belt and Road” intersection in this Province.

第五条 本省按照国家规定对外商投资实行准入前国民待遇加负面清单管理制度。禁止在国务院发布或者批准发布的外商投资准入负面清单以外制定外商投资准入的限制或者禁止性措施。

Article 5 The Province implements the management systems of pre-establishment national treatment and negative list for foreign investment according to the provisions of the State. Formulating restrictions or prohibitive measures on foreign investment market access other than the negative list for access of foreign investment issued or approved by the State Council is prohibited.

外商投资在准入后按照内外资一致的原则实施管理。外商投资信息报告、外商投资安全审查等按照国家有关规定执行。

Foreign investment shall be managed under the principle of uniform treatment for domestic and foreign investment after access. Information reports and security reviews on foreign investment shall be carried out in accordance with the relevant provisions of the State.

第六条 县级以上地方人民政府应当加强对外商投资工作的组织领导，督促有关部门依法履行外商投资工作职责，落实有关政策措施；建立健全议事协调机制，统筹推进外商投资工作，及时协调、解决外商投资工作中的重大问题。

Article 6 Local people's governments at or above the county level shall strengthen the organization and leadership of foreign investment work, supervise relevant departments to fulfill their responsibilities, and implement policy measures regarding foreign investment according to

law; they shall establish and improve the mediation mechanism, coordinately advance foreign investment, and promptly coordinate and tackle major issues in foreign investment.

商务、发展改革部门按照职责分工，负责外商投资促进、保护、服务和管理等工作；其他有关部门在各自职责范围内，开展外商投资相关工作。

The commerce and development and reform departments shall, according to the division of responsibilities, be in charge of the promotion, protection, services, and management of foreign investment; other relevant departments shall carry out relevant foreign investment work within their respective duties.

第七条 外商投资企业职工依法建立工会组织，开展工会活动，维护职工合法权益。外商投资企业应当为本企业工会提供必要的活动条件。

Article 7 Employees of foreign-funded enterprises are entitled to legally establish trade union organizations, engage in trade union activities, and safeguard their legitimate rights and interests. Foreign-funded enterprises are obligated to provide the necessary conditions for the activities of their trade unions.

第八条 外商投资企业可以依法成立商会、协会。除法律、法规另有规定外，外商投资企业有权自主决定参加或者退出商会、协会，任何单位和个人不得干预。

Article 8 Foreign-funded enterprises may establish chambers of commerce and associations according to law. Unless otherwise specified by laws and regulations, foreign-funded enterprises shall have the right to independently decide to join or withdraw from chambers of commerce and associations, and no organizations or individuals may interfere.

商会、协会应当依照法律、法规和章程的规定，加强行业自律，及时反映会员诉求，为会员提供相关服务，维护会员合法权益。

Chambers of commerce and associations are urged to strengthen industry self-discipline, respond promptly to the needs of their members, provide relevant services, and protect the

legitimate rights and interests of their members in accordance with laws, regulations, and articles thereof.

第二章 投资促进

Chapter II Investment Promotion

第九条 县级以上地方人民政府应当根据法律、法规的规定，在法定权限内制定费用减免、用地指标保障、公共服务提供等方面的外商投资促进和便利化政策措施。

Article 9 Local people's governments at or above the county level shall, in accordance with the provisions of laws and regulations, formulate policies and measures within their statutory authority in areas such as fee reductions and exemptions, land use index guarantee, and public services to promote and facilitate foreign investment.

地方各级人民政府以及有关部门应当依法平等对待市场主体，不得针对外商投资企业制定、实施或者变相实施歧视性政策措施，确保外商投资企业在要素获取、资质许可、经营运行、招标投标、税费减免等方面享受平等待遇。

Local people's governments at all levels and relevant departments shall treat market entities equally according to law, and may not formulate, implement or implement in disguise discriminatory policies or measures against foreign-funded enterprises, and shall ensure equal treatment for them in access to factors of production, qualification licensing, business operations, bidding, and tax reduction and exemption.

第十条 地方各级人民政府以及有关部门依法保障外商投资企业公平参与政府采购。

Article 10 Local people's governments at all levels and relevant departments shall guarantee the fair participation of foreign-funded enterprises in government procurement according to law.

政府采购的采购人、采购代理机构不得在政府采购信息发布、供应商条件确定和资格审查、评标标准等方面，对外商投资企业实行差别待遇或者歧视待遇，不得以所有制形式、组织形式、股权结构、投资者国别、产品或者服务品牌以及其他不合理的条件对供应商予以限定，不得对外商投资企业在中国境内生产的产品、提供的服务和内资企业区别对待。

Government procurement purchaser and procurement agency may not apply differential or discriminatory treatment to foreign-funded enterprises in areas such as release of government procurement information, determination of suppliers' conditions, qualification review, and evaluation criteria, may not restrict suppliers based on ownership, organizational form, shareholding structure, nationality of investors, product or service brand, or other unreasonable conditions, and may not treat products and services provided by foreign-funded enterprises within the territory of China differently from those provided by domestic-funded enterprises.

第十一条 外商投资企业依法平等参与国家标准、行业标准、地方标准和团体标准的制定、修订工作。外商投资企业可以依法自行制定或者与其他企业联合制定企业标准。

Article 11 Foreign-funded enterprises have the right to participate equally in establishing and revising national, industrial, local, and social organization standards according to law. Foreign-funded enterprises may formulate enterprise standards independently or jointly with other enterprises according to law.

省、设区的市市场监督管理部门和有关部门制定、修订与外商投资企业生产经营密切相关的地方标准，应当听取外商投资企业的意见，并推进地方标准制定、修订全过程信息公开，为外商投资企业参与地方标准制定、修订以及标准国际化合作等提供便利和指导。

When formulating and revising local standards closely related to the production and operation of foreign-funded enterprises, the market regulation departments of the Province and cities divided into districts and relevant departments shall hear opinions from foreign-funded enterprises, promote the disclosure of information throughout the entire process of formulation and revision, and offer assistance and guidance to foreign-funded enterprises in participating in formulating and revising local standards, and in cooperation to internationalize standards.

鼓励外商投资企业代表依法参加各类专业标准化技术委员会。

Representatives from foreign-funded enterprises are encouraged to join in various professional standardization technical committees according to law.

禁止利用标准实施妨碍外商投资企业参与公平竞争的行为。

All standards are prohibited from being abused to hinder foreign-funded enterprises from participating in fair competition.

第十二条 中国（江苏）自由贸易试验区（以下简称自贸试验区）应当发挥先行先试作用，对标高标准国际经贸规则，进行制度创新，依法探索实行外商投资试验性政策措施，形成可复制、可推广的经验和成果。

Article 12 The China (Jiangsu) Pilot Free Trade Zone (hereinafter referred to as the Jiangsu FTZ) shall lead the way in benchmarking high-standard international economic and trade rules, innovating systems, exploring experimental policies for foreign investment according to law, and gaining experience and achievements that can be replicated and promoted.

外商投资试验性政策措施经实践证明可行的，可以依法在自贸试验区以外更大地域范围内适用，但国家明确仅适用于自贸试验区的除外。

Experimental policies and measures for foreign investment that are proven feasible, may be applied to a larger scope outside the Jiangsu FTZ, with the exception of those explicitly specified by the State to be applied exclusively to the Jiangsu FTZ.

自贸试验区各片区应当根据各自的功能定位开展差异化探索，实施更加开放的外商投资自由化便利化政策措施，加强与开发区、综合保税区、国际合作园区等开放平台联动发展，促进要素自由流动与高效配置。

Each area of the Jiangsu FTZ shall, according to their functional positions, carry out differentiated exploration, implement more open policies and measures empowering the foreign investment liberalization and facilitation, and boost collaboration with open platforms including development zones, comprehensive bonded zones, and international cooperation parks to promote free flow and efficient allocation of economic factors.

第十三条 县级以上地方人民政府应当采取措施，支持开发区强化吸引外资的功能优势和带动作用，加大开放力度，拓展利用外资领域，稳定利用外资规模，提高制造业利用外

资比重，培育带动力强、辐射面广的行业龙头企业和产业链核心企业，推动配套企业集聚发展。

Article 13 Local people's governments at or above the county level shall take measures to support the development zones to strengthen the functional advantages and leading role in attracting foreign investment, to expand opening-up, to widen the areas of foreign investment, to stabilize the size of foreign investment, to increase the proportion of utilizing foreign investment in manufacturing industry, to cultivate industry-leading enterprises and core enterprises on the industrial chain which give strong impetus and have a widespread effect, and to promote developmental concentration of supporting enterprises.

第十四条 县级以上地方人民政府应当结合本地发展规划和比较优势，鼓励和引导外国投资者在国家制定的鼓励外商投资产业目录和本省重点发展领域内进行投资，参与制造业集群、优势产业链建设，促进重点产业强链补链延链。

Article 14 Local people's governments at or above the county level shall, in light of local development plans and advantages, encourage and guide foreign investors to make investments within the Catalogue of Industries Encouraged for Foreign Investment issued by the State and the key development areas of the Province, to participate in the construction of manufacturing clusters and advantageous industrial chains, and to contribute to the progress in strengthening, consolidating, and extending industrial chains of key industries.

鼓励符合条件的外国投资者设立投资性公司，相关投资性公司投资设立的企业可以按照国家有关规定享受外商投资企业待遇。

Eligible foreign investors are encouraged to establish investment companies, which in turn invest in the establishment of enterprises, which are qualified for treatment of foreign-funded enterprises in accordance with the relevant provisions of the State.

鼓励外商投资企业与内资企业等各类市场主体以市场为导向，按照优势互补、产业联动、利益共享的原则开展合作。

Guided in market-oriented direction, foreign-funded enterprises are encouraged to cooperate with domestic enterprises and other market entities following the principles of complementarity, industry cooperation, and shared interests.

第十五条 县级以上地方人民政府可以采取鼓励跨国公司设立地区总部和功能性机构，加强总部和功能性机构培育，建立外资总部集聚区。跨国公司总部和功能性机构按照有关规定享受人员出境入境、人才引进、资金结算、投融资、贸易物流、物品通关等便利化政策。

Article 15 Local people's governments at or above the county level may take measures to encourage multinational corporations to establish regional headquarters and functional agencies, to strengthen the cultivation of headquarters and functional agencies, and to establish clusters for foreign-funded headquarters. The headquarters and functional agencies of multinational corporations shall, according to relevant provisions, enjoy facilitative policies regarding personnel entry and exit, talent introduction, fund settlement, investment and financing, trade logistics, and customs clearance.

鼓励跨国公司地区总部和功能性机构集聚业务、拓展功能、提升能级，深度参与全球产业分工和合作。

Regional headquarters and functional agencies of multinational corporations are encouraged to consolidate business, expand functions, develop their capabilities, and actively participate in the international industrial division and cooperation.

第十六条 县级以上地方人民政府应当完善服务和保障措施，支持外商投资在本省设立和发展研发中心，与国内企业联合开展技术研发和产业化应用。

Article 16 Local people's governments at or above the county level shall improve service and support measures, and assist foreign-funded enterprises in establishing and developing research and development centers in the Province, and in jointly conducting technological research and development and industrial application with their domestic counterparts.

支持外商投资企业平等参与研发平台建设、政府科技计划项目等申报，并享受配套政策扶持。鼓励外商投资企业及其设立的研发中心承担重大科研攻关项目。

Foreign-funded enterprises are encouraged to equally participate in building research and development platforms, applying for governmental science and technology projects, and to enjoy their entitlement to relevant policy support. Foreign-funded enterprises and the established research and development centers are encouraged to undertake major scientific research projects.

纳入共享服务平台的大型科研仪器、设施按照国家和省有关规定面向外商投资企业开放共享。

Large scientific research instruments and facilities included in shared service platforms shall be accessible to foreign-funded enterprises in accordance with relevant provisions of the State and the Province.

鼓励外商投资企业发挥资本和技术优势，加大研发力度，与高等院校、科研院所、企业等开展合作，提高科技创新能力和产业竞争力。

Foreign-funded enterprises are encouraged to leverage capital and technological strengths, expand research and development efforts, and cooperate with universities, research institutes, and other enterprises to improve their scientific and technological innovation capabilities and industrial competitiveness.

第十七条 县级以上地方人民政府应当支持外商投资企业依法在中国境内进行再投资，引导外商投资企业利润投向高端制造、智能制造、绿色制造和生产性服务业等重点领域。

Article 17 Local people's governments at or above the county level shall support foreign-funded enterprises to reinvest in China according to law, and guide foreign-funded enterprises to invest the profits into key areas such as high-end manufacturing, intelligent manufacturing, green manufacturing, and productive service industries.

外国投资者从中国境内居民企业分配的利润用于境内直接投资的，按照国家有关规定享受税收优惠。

Foreign investors, allocating profits from domestic resident enterprises for domestic direct investment, are eligible for tax preferential treatment in accordance with relevant provisions of the State.

第十八条 本省按照长江三角洲区域一体化发展、长江经济带发展等国家战略要求，依托长江三角洲区域工作协作机制等，协同推进重点领域对外开放，加强外商投资工作的跨省域合作，增强开放联动效应，引导外商投资产业合理布局。

Article 18 The Province, in line with the national strategic requirements of the integrated development of the Yangtze River Delta Region (YRDR) and the Development of the Yangtze River Economic Belt, supported by the regional cooperation mechanisms such as the YRDR Cooperation Mechanism, promotes the opening-up in key areas and enhances cross-provincial cooperation in foreign investment in a coordinated way, increases the chain effects of opening-up and steers the rational distribution of industries for foreign investment.

第十九条 县级以上地方人民政府以及有关部门推动建立专业化、市场化招商机制，加大精准招商力度，通过城市推介、区域推介、专题推介等形式开展外商投资促进活动。

Article 19 Local people's governments at or above the county level and relevant departments shall promote the establishment of a specialized, market-oriented investment-attracting mechanism, intensify targeted investment-attracting efforts, and conduct foreign investment promotion activities through city, regional, and thematic promotion.

商务部门应当会同外事部门对本地在境外开展的外商投资促进活动进行统筹、指导和服务。

The commerce departments shall, in conjunction with their foreign affairs counterparts, coordinate, guide, and serve foreign investment promotion activities conducted abroad by local entities.

第二十条 本省加强与国际友好城市、友好组织以及其他境外地区、城市在投资领域的交流和合作。

Article 20 The Province shall strengthen exchanges and cooperation in investment with international sister cities, friendship organizations, and other overseas regions and cities.

省、设区的市商务部门、投资促进机构等应当加强与境外驻苏投资促进机构等的联系，建立投资促进合作关系，推动完善投资促进网络，做好外商投资项目引进工作。

The commerce departments, investment promotion agencies, and other relevant agencies of the Province and cities divided into districts shall enhance communication with overseas investment promotion agencies stationed in Jiangsu, establish cooperation for investment promotion, promote the improvement of the investment promotion network, and facilitate the introduction of foreign investment projects.

本省在境外设立的投资促进机构应当加强与跨国公司、企业海外办事机构和海外华侨华人社团的交流对接，加强与地方各级人民政府、有关部门以及开发区、综合保税区、国际合作园区等开放平台的联动，共同做好外商投资项目引进工作。

The investment promotion agencies established overseas by the Province shall strengthen communication and connection with overseas offices of multinational corporations and enterprises, and overseas Chinese communities, and enhance liaisons with local people's governments at all levels, relevant departments and open platforms such as development zones, comprehensive bonded zones and international cooperation parks, in order to jointly facilitate the introduction of foreign investment projects.

第三章 投资保护

Chapter III Investment Protection

第二十一条 制定涉及外商投资的规范性文件，应当按照国家和省有关规定进行合法性审核、公平竞争审查；没有法律、行政法规依据的，不得减损外商投资企业的合法权益或

者增加其义务，不得设置市场准入和退出条件，不得干预外商投资企业的正常生产经营活动。

Article 21 Normative documents related to foreign investment in formulation shall be subject to legality review and fair competition review in accordance with relevant provisions of the State and the Province. Where the basis of relevant laws and administrative regulations is absent, such documents may not be formulated to impair the legitimate rights and interests of foreign-funded enterprises, to impose additional obligations, to set conditions for market access and withdrawal, or to intervene their normal production and operation activities.

制定涉及外商投资的规范性文件，应当根据实际情况采取书面征求意见或者召开座谈会等形式，听取外商投资企业和有关商会、协会等方面的意见建议，必要时通过适当方式反馈采纳情况。

When formulating normative documents related to foreign investment, the drafting department shall, in the light of the actual circumstances, solicit written comments, convene symposiums or adopt other forms to hear the opinions and suggestions from foreign-funded enterprises and relevant chambers of commerce and associations, and provide feedback through appropriate means when necessary.

制定与外商投资企业生产经营活动密切相关的规范性文件，应当为外商投资企业留出必要的适应调整期，但是国家另有规定或者公布后不立即施行将有碍施行的除外。

When normative documents closely related to the production and operation activities of foreign-funded enterprises are formulated, a necessary adaptation and adjustment period shall be provided for foreign-funded enterprises, except for those otherwise prescribed by the State and situations in which failure of immediate implementation after promulgation will hinder the implementation .

第二十二條 地方各级人民政府以及有关部门应当严格履行向外国投资者、外商投资企业依法作出的政策承诺以及依法订立的各类合同，不得以行政区划调整、政府换届、机构或者职能调整以及相关责任人更替等为由违约毁约。

Article 22 Local people's governments at all levels and relevant departments shall strictly carry out policy commitments made to foreign investors and foreign-funded enterprises according to law and the various types of contracts signed according to law, and may not breach contracts due to matters such as administrative division adjustments, government succession, institutional or functional adjustments, or replacement of relevant persons in charge.

因国家利益、社会公共利益需要改变政策承诺、合同约定的，应当依照法定权限和程序进行，并依法对外国投资者、外商投资企业因此受到的损失及时予以公平、合理的补偿。

Where policy commitments or contractual agreements need to be changed due to national interests or social public interests, they shall be conducted in accordance with statutory authorities and procedures, and foreign investors and foreign-funded enterprises shall be compensated for the loss incurred thereby in a timely and fair manner according to law.

第二十三条 本省推动知识产权行政保护和司法保护的协调衔接，加强知识产权保护宣传，完善知识产权纠纷多元化解机制和知识产权维权援助机制，建立跨区域、跨部门知识产权快速协同保护机制，依法平等保护外国投资者、外商投资企业的知识产权；对知识产权侵权行为，严格依法追究法律责任。

Article 23 The Province shall promote the coordination between the administrative and judicial protection of intellectual property rights, enhance public awareness of intellectual property protection, improve the diversified dispute settlement mechanism and assistance mechanism for safeguarding intellectual property rights, establish a rapid collaborative protection mechanism for intellectual property rights across regions and departments, and ensure equal protection of the intellectual property rights for foreign investors and foreign-funded enterprises; in case of any infringement of intellectual property right, legal liability shall be investigated for strictly according to law.

鼓励在外商投资过程中基于自愿原则和商业规则开展技术合作；技术合作的条件由合作各方遵循公平原则平等协商确定。

The Province encourages technology cooperation on the basis of free will and business rules in the process of foreign investment; conditions for technology cooperation shall be determined by all the cooperating parties upon negotiation under the principle of equity.

行政机关及其工作人员不得利用实施行政许可、行政检查、行政处罚、行政强制以及其他行政手段，强制或者变相强制外国投资者、外商投资企业转让技术。

Administrative organs and their staff members may not force or force in a disguised form foreign investors and foreign-funded enterprises to transfer technology by means of administrative licensing, administrative inspections, administrative punishments, administrative compulsion, or other administrative measures.

第二十四条 行政机关及其工作人员应当依法采取有效措施保护履行职责过程中知悉的外国投资者、外商投资企业的商业秘密和有关个人信息，严格控制知悉范围，不得泄露或者非法向他人提供。

Article 24 Administrative organs and their staff members shall, according to law, take effective measures to protect the trade secrets and relevant personal information of foreign investors and foreign-funded enterprises that are learned during the performance of their duties, strictly control the scope of those with access to the knowledge, and may not divulge or illegally provide to others.

第二十五条 外国投资者、外商投资企业认为行政机关及其工作人员的行政行为侵犯其合法权益，或者发现投资环境方面存在的问题、建议完善有关政策措施的，有权按照国家和省有关规定进行投诉、反映。

Article 25 Where foreign investors or foreign-funded enterprise deem that any administrative act of an administrative department or its staff member infringes their legitimate rights and interests, discover issues in the investment environment, or suggest to improve relevant policies and measures, they have the right to make a complaint or report in accordance with relevant provisions of the State and the Province.

县级以上地方人民政府应当按照公开透明、高效便利的原则，建立健全外商投资企业投诉工作机制，由商务部门或者有关机构及时处理外国投资者、外商投资企业投诉、反映的问题，协调完善相关政策措施。县级以上地方人民政府商务部门或者有关机构应当明确投诉工作规则、投诉方式、投诉处理时限，并向社会公布。

Local people's governments at or above the county level shall, in accordance with the principles of openness, transparency, efficiency, and convenience, establish and improve a complaint mechanism for foreign-funded enterprises, with commerce departments or relevant agencies promptly addressing complaints and problems reported by foreign investors or foreign-funded enterprises, and coordinating to improve relevant policies and measures. The commerce departments or relevant agencies under the local people's governments at or above the county level shall establish, specify, and publicize complaint rules and methods, and deadlines for complaints handling.

省商务部门会同有关部门建立外商投资企业投诉工作省级部门联席会议制度，协调、推动外商投资企业投诉工作，指导和监督设区的市、县（市、区）外商投资企业投诉工作。

The commerce department of the Province shall, in conjunction with relevant departments, establish a provincial-level joint departmental conference system for the complaints of foreign-funded enterprises, coordinate and promote the resolutions of the complaints, and guide and supervise the complaint-handling for foreign-funded enterprises in cities divided into districts and counties (cities and districts).

第二十六条 本省建立和完善调解、仲裁、行政裁决、行政复议、诉讼等有机衔接、相互协调的多元化纠纷解决机制，为外国投资者、外商投资企业提供高效、便捷的纠纷解决途径。

Article 26 The Province shall establish and improve the diversified dispute resolution mechanism of mediation, arbitration, administrative adjudication, administrative reconsideration and litigation, each part of which shall be closely connected to one another, providing foreign investors and foreign-funded enterprises with efficient and convenient dispute resolution channels.

鼓励和支持仲裁机构探索制度创新，依照法律、法规并借鉴国际商事仲裁惯例，制定与外商投资相适应的仲裁规则。发挥国际商事仲裁平台作用，加大有专业影响力和国际公信力仲裁员的聘任力度，加强仲裁国际交流协作，提高商事仲裁的国际化程度。

Arbitration institutions are encouraged and supported to explore innovative system, and formulate arbitration rules tailored to foreign investment in accordance with laws and regulations and with reference to international commercial arbitration practices. International commercial arbitration platforms shall play a better role, and more efforts shall be made to appoint arbitrators with professional influence and international credibility, to strengthen international exchanges and cooperation in arbitration, and to promote the internationalization of commercial arbitration.

第二十七条 地方各级人民政府以及有关部门应当规范对外商投资企业的行政检查，科学合理设定市场监管、劳动监察、环境保护、安全生产等执法检查频次，推行跨部门综合监管。

Article 27 Local people's governments at all levels and relevant departments shall standardize the administrative inspections of foreign-funded enterprises, and establish a feasible frequency of conducting law enforcement inspections in areas such as market supervision, labor inspection, environmental protection, and work safety, and promote interdepartmental comprehensive supervision.

第二十八条 对外国投资者、外商投资企业违反法律、法规的行为，有关部门应当依法查处，并按照国家有关规定纳入信用信息系统。外国投资者、外商投资企业违法行为轻微并及时改正，没有造成危害后果的，可以采取约谈、教育等措施，依法不予行政处罚；初次违法且危害后果轻微并及时改正的，可以不予行政处罚。

Article 28 Foreign investors and foreign-funded enterprises violating any law or regulation shall be subject to investigation and measures by relevant departments according to law, and the offense shall be included in the credit information system pursuant to relevant provisions of the State. Where the violation by foreign investors and foreign-funded enterprises is minor and promptly rectified without causing harmful consequences, measures such as interviews and education may be given, and no administrative penalty shall be imposed according to law; where

the first offense causes minor harmful consequences, and rectification is made in a timely manner, no administrative penalty may be imposed.

第四章 优化服务

Chapter IV Optimization of Services

第二十九条 县级以上地方人民政府应当建立健全由政府主导，专业机构、商会、协会和企业等多方参与的外商投资服务体系，加强外商投资法律、法规和政策措施的宣传解读，为外国投资者、外商投资企业提供全方位、精准化的投资服务。

Article 29 Local people's governments at or above the county level shall establish and improve a foreign investment service system led by the government and participated by professional institutions, chambers of commerce, associations, and enterprises, shall promote the publicity and interpretation of laws, regulations, policies and measures related to foreign investment, and shall provide comprehensive and accurate investment services to foreign investors and foreign-funded enterprises.

商务部门应当会同有关部门定期编制外商投资指引，以中英文等语种发布，并及时更新；根据需要定期发布外商投资环境白皮书，向社会公布外商投资总体情况以及投资成果等基本情况。

The commerce departments shall, in conjunction with relevant departments, regularly draft, release and update foreign investment guidelines in languages including Chinese and English; they shall, when necessary, release white papers on foreign investment environment regularly, disclosing general information on foreign investment and investment achievements to the public.

第三十条 县级以上地方人民政府有关部门应当编制和公布外商投资政务服务事项目录以及办事指南，为外国投资者、外商投资企业提供投资服务和便利。符合申请条件，主要申请材料齐全仅次要材料缺失的政务服务事项，可以依法容缺受理。

Article 30 Relevant departments of local people's governments at or above the county level shall draft and release a catalogue of government services and services guidance for foreign

investment to provide investment services and convenience for foreign investors and foreign-invested enterprises. In cases in which primary application materials are complete but minor materials are incomplete for government services, tolerant acceptance may be made according to law.

市场监督管理、发展改革以及其他有关部门在依法办理企业登记注册、项目核准或者备案、行业准入等事项时，应当履行负面清单审核职责，为外国投资者、外商投资企业提供相关咨询服务，并加强跨部门信息共享，简化办理流程。

Market regulation, development and reform and other relevant departments shall, in handling enterprise registration, project approval or filing, industry access and other matters according to law, assume the responsibility of reviewing the negative list for foreign investment, provide relevant consulting services to foreign investors and foreign-funded enterprises, enhance inter-departmental information sharing, and streamline the handling procedures.

商务、市场监督管理部门应当做好业务系统对接和工作衔接，并为外国投资者、外商投资企业报送投资信息提供指导。通过部门共享能够获得的投资信息，不得再行要求外国投资者、外商投资企业报送；不得要求外国投资者、外商投资企业报送与外商投资无关的信息；不得将报送投资信息作为外国投资者、外商投资企业办理企业登记或者其他手续的前置条件。

The departments of commerce and market regulation shall do a good job of docking and connecting the relevant operational systems and offer guidance on investment information reporting for foreign investors and foreign-funded enterprises. Investment information that can be obtained through departmental information sharing may not be required to be resubmitted by foreign investors or foreign-funded enterprises; foreign investors and foreign-funded enterprises may not be required to report information unrelated to foreign investment; the reporting of investment information may not be set as a prerequisite for foreign investors and foreign-funded enterprises to apply for enterprise registration or to handle other formalities.

第三十一条 县级以上地方人民政府以及有关部门应当建立健全与外商投资企业的政企沟通机制，听取外商投资企业意见建议，及时了解并帮助企业解决生产经营中遇到的问题，研究完善相关政策措施。

Article 31 Local people's governments at or above the county level and relevant departments shall establish and improve a communication mechanism between government and foreign-funded enterprises, hear the opinions and suggestions from foreign-funded enterprises, learn and help to solve promptly problems encountered by enterprises in production and operation, and study and improve relevant policies and measures.

外国投资者、外商投资企业可以通过政府热线、商会、协会等渠道，反映与企业生产经营相关的诉求和意见建议，有关部门应当及时处理。

Foreign investors and foreign-funded enterprises may reflect production and operation-related demands, opinions and suggestions through government hotlines or by delivering the message to chambers of commerce and associations, and relevant departments shall promptly address these issues.

第三十二条 县级以上地方人民政府在法定权限内对促进就业、经济发展、技术创新有重大贡献的外商投资项目，给予用地、用能、用工等政策支持和物流、人员出境入境等服务保障。

Article 32 The local people's governments at or above the county level shall, within the statutory authority, offer policy support in land use, energy consumption and employment, and services guarantee in logistics and personnel entry and exit, for the foreign investment projects contributing significantly to promoting employment, economic development, and technological innovation.

发展改革、商务部门应当会同有关部门建立健全重大外商投资项目服务制度。对重大外商投资项目，通过建立绿色通道、提供“一站式”服务等方式，支持项目落地；对列入省重大项目清单的项目，由省重大项目建设协调机制予以推进。

The departments of development and reform and commerce shall, in conjunction with relevant departments, establish and improve the service system of major foreign investment projects. For major foreign investment projects, the departments shall establish green channels and provide one-stop services to support the implementation of projects; projects listed as provincial major projects shall be implemented through the coordination mechanism for major project construction at the provincial level.

第三十三条 外国投资者、外商投资企业符合条件的，可以享受法律和税收协定规定的税收优惠。

Article 33 Eligible foreign investors and foreign-funded enterprises may enjoy preferential tax treatment as provided by laws and taxation agreements.

鼓励符合条件的外商投资企业与税务机关谈签预约定价安排，稳定未来一定期限内合理的转让定价政策和本地企业利润水平，提高税收确定性。

Eligible foreign-funded enterprises are encouraged to negotiate and sign advance pricing arrangements with tax authorities, stabilizing reasonable transfer pricing policies and local enterprise profit levels for a certain period in the future to enhance tax certainty.

第三十四条 鼓励金融机构为外商投资企业提供多渠道融资。外商投资企业可以依法在中国境内或者境外通过公开发行股票、公司债券等证券，以及公开或者非公开发行其他融资工具、借用外债等方式进行融资。

Article 34 Financial institutions are encouraged to provide multi-channel financing for foreign-funded enterprises. Foreign-funded enterprises may raise funds in China or overseas by publicly issuing shares, corporate bonds and other securities, as well as publicly or privately issuing other financing instruments and taking on foreign debts.

金融机构根据国家跨境融资管理政策，为外商投资企业开展本外币跨境融资提供相应便利。

Financial institutions shall, in accordance with the national cross-border financing management policies, provide convenience for foreign-funded enterprises to carry out cross-border financing in domestic and foreign currencies.

第三十五条 县级以上地方人民政府以及有关部门应当优化外国人来华工作许可、停居留许可审批流程，为引进符合条件的外国人才提供签证、落户、医疗、社保、税收、住房等工作、生活方面的便利服务。

Article 35 Local people's governments at or above the county level and relevant departments shall optimize the approval procedures of work and residence permits for foreigners arriving in China, and offer convenient services in their work and life in terms of visa, settlement, medical care, social security, taxation, and housing to introduce eligible foreign talents.

外商投资企业引进外国高端人才的工作许可，可以按照国家有关规定不受年龄、学历和工作经历限制；引进外国专业人才的工作许可，可以按照国家有关规定适当放宽年龄、学历、工作经历等条件的限制。

Work permits for high-end foreign talents introduced by foreign-funded enterprises may be exempted from restrictions on age, education, and work experience in accordance with relevant provisions of the State; restrictions on age, education, work experience, and other conditions based on relevant provisions of the State may be appropriately relaxed in applying for work permits for foreign professional talents introduced by foreign-funded enterprises.

第三十六条 司法行政部门应当鼓励和引导法律服务专业机构为外国投资者、外商投资企业提供法律咨询、合同审查、知识产权保护、股权设计、融资、税务、劳动用工、纠纷解决等法律服务。

Article 36 Judicial administrative departments shall encourage and guide professional legal service institutions to provide legal services for foreign investors and foreign-funded enterprises in legal consultation, contract review, intellectual property protection, equity design, financing, taxation, labor employment, and dispute resolution.

第三十七条 对依照《中华人民共和国中外合资经营企业法》《中华人民共和国外资企业法》《中华人民共和国中外合作经营企业法》设立并保留原企业组织形式的外商投资企业，商务、市场监督管理等部门应当优化服务，指导其依法平稳完成组织形式、组织机构等转型过渡。

Article 37 The commerce, market regulation and other relevant departments shall optimize their services and guide enterprises that establish and retain their original forms of enterprise organization in accordance with the *Law of the People's Republic of China on Chinese-Foreign Equity Joint Ventures*, the *Law of the People's Republic of China on Wholly Foreign-Owned Enterprises*, and the *Law of the People's Republic of China on Chinese-Foreign Contractual Joint Ventures* to ensure a smooth transition and transformation of organization forms and organizations according to law.

第五章 附则

Chapter V Supplementary Provisions

第三十八条 香港特别行政区、澳门特别行政区、台湾地区投资者，以及定居在国外的中国公民在本省投资，适用有关法律、法规或者国务院规定；有关法律、法规或者国务院未规定的事项，参照本条例执行。

Article 38 Investment in the Province made by investors from the Hong Kong Special Administrative Region, the Macao Special Administrative Region and the Taiwan Region, as well as by overseas Chinese citizens shall be subject to relevant laws, regulations, or provisions of the State Council; any matters not stipulated by relevant laws, regulations, or provisions of the State Council, shall be governed with reference to the Regulations.

第三十九条 本条例自 2024 年 1 月 1 日起施行。

Article 39 The Regulations shall take effect on January 1, 2024.

本条例英文译稿仅供参考，文义请以中文文本为准。

The English version of the Regulations is for reference only. The Chinese version shall prevail in interpreting the articles of the Regulations.