

China Copyright and Media

The law and policy of media in China – edited by Rogier Creemers

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State Council General Office Guiding Opinions concerning Accelerating the Advance of Social Credit System Construction and Building Credit-Based Novel Supervision and Management Mechanisms (<https://chinacopyrightandmedia.wordpress.com/2019/07/09/state-council-general-office-guiding-opinions-concerning-accelerating-the-advance-of-social-credit-system-construction-and-building-credit-based-novel-supervision-and-management-mechanisms/>)

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GBF No. (2019)35

All provincial, autonomous region and municipal People's Governments, all State Council Ministries and Commissions, all directly subordinate bodies:

In order to strengthen the construction of the social credit system, deeply advance the "release, management and service" reform, further give rein to the fundamental role of credit in innovating supervision and management mechanisms, raising supervision and management capacities and levels, even better incite the vigour of market subjects, and promote high-quality development, with the agreement of the State Council, the following Opinions are hereby put forward.

I, General requirements.

With Xi Jinping Thought on Socialism with Chinese characteristics for a new era as guidance, deeply implement the spirit of the 19th Party Committee and its 2nd and 3rd Plenums, according to the basic principles of acting according to laws and regulations, reform and innovation, coordinated and joint governance, with strengthening credit supervision and management as rallying points, innovate supervision and management concepts, supervision and management structures, and supervision and management methods, establish and complete novel supervision and management methods running throughout the whole lifecycle of market subjects, connecting supervision and management links ex ante, ad interim and ex post, incessantly enhance supervision and management capabilities and levels, further standardize market order, optimize the commercial environment, and promote high-quality development.

II, Innovating credit supervision and management in the ex-ante link

(1) Establishing and completing credit commitment structures. When handling administrative licencing affairs using credit commitment structures, where applicants' commitments conform to approval conditions and they have submitted the relevant materials, this shall be handled immediately. Where applicants' credit situation is relatively good, and a part of the application materials is incomplete but they commit in writing to provide this within the provided time period, they shall be accepted with priority, and the handling process is to be accelerated. The circumstances of honouring written commitments will be entered into credit records, to act as an important basis for ad interim and ex post supervision and

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management, applicants not honouring them will be subject to punishment in view of the circumstances. We must accelerate combing through administrative licensing items amenable to the introduction of credit commitments, formulate credit commitment letters with standardized templates, and rely on all levels' credit portal websites to publish them. Market subjects are encouraged to actively issue credit commitments to society. Sectoral associations and chambers of commerce are supported in the establishment and completion of intra-sector credit commitment structures, strengthening sectoral self-discipline. (All localities and all departments are respectively responsible according to their duties)

(2)

Exploring the introduction of business people's pre-access sincerity education. Fully utilized all levels' and all categories' government service windows, to broadly launch education on legal compliance and sincerity among market subjects. When handling work related to registration, examination and approval, filing, etc. for market subjects, timely introduce standardized, regularized and convenient legal knowledge and credit knowledge education, raising business people's consciousness on doing business according to the law and sincerely. The launch of credit education must not be fee-paying, and must also not be a necessary condition for market access. (All localities and all departments are respectively responsible according to their duties)

(3) Vigorously expand credit reporting applications. All kinds of market subjects are encouraged to more broadly and actively use credit reports in their production and commercial activities. In processes such as government procurement, tendering and bidding, administrative examination and approval, market access, credential verification, etc., fully give rein to the role of credit reports issues by public credit service bodies and third-party credit service bodies. Explore the establishment of nationwide uniform credit report standards, promote cross-regional mutual recognition of credit report results. (NDRC, PBoC take the lead, all localities and all departments are respectively responsible according to their duties)

III, Strengthening credit supervision and management in the ad interim segment

(4) Comprehensively establish market subject credit records. Establish credit information collection catalogues on the basis of lists of powers and responsibilities, timely, accurately and comprehensively record market subjects' credit activities in the process of handing registration, qualification verification, daily supervision and management, public service, etc., especially file and record untrustworthiness records, ensure that these can be consulted, verified and traced. (All localities and all departments are respectively responsible according to their duties). Perfect uniform social credit code structures for legal persons and non-legal person organizations, use the uniform social credit code as a marker to integrate and shape integrated market subject credit records, and publish these according to laws and regulations through channels such as the "Credit China" website, the national enterprise credit information publication system or the China governmental web, as well as other related portal websites. Complete the 12315 market supervision and management complaint reporting hotline and informatized platform integration work, forcefully launch consumer complaints publication, stimulate businesspeople to implement their leading responsibility for consumer rights defence. (NDRC takes the lead, all departments are respectively responsible according to their duties).

(5) Establishing and completing voluntary credit information registration mechanisms. Encourage market subjects to voluntarily register credit information on qualifications and licences, market operations, contract fulfilment, social welfare, etc. on the "Credit China" website or other channels, to make public credit commitments concerning the veracity of the information, authorize the website to integrate, share and apply corresponding information. Verified voluntarily registered information may be an important basis to conduct credit evaluation and generate credit reports. (NDRC takes the lead, all departments are respectively responsible according to their duties).

(6) Deeply conducting comprehensive credit evaluation. The nationwide credit information sharing platforms must strengthen coordination and cooperation with relevant departments, integrate all kinds of credit information according to laws and regulations, conduct full-coverage, standardized, and public interest-type comprehensive public credit evaluation of market subjects, regularly report evaluation results to corresponding government department, financial bodies, sectoral associations and chambers of commerce for reference and use, and publish them to society according to relevant regulations. Promote relevant departments' use of comprehensive public credit evaluation results, integrate

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departmental and sectoral management data, establish sectoral credit evaluation models, and provide ever more accurate bases for credit supervision and management. (NDRC takes the lead, all departments are respectively responsible according to their duties)

(7) Forcefully advancing tiered and categorized credit supervision and management. Divide supervision and management across tiers and categories on the basis of fully grasping credit information, and comprehensively deliberating the situation of credit, and on the basis of comprehensive public credit evaluation results and sectoral credit evaluation results, etc., and adopt differentiated supervision and management measures based on the height of the credit tier. "Double random and one public" supervision and management must be integrated with credit tiers, the proportion and frequency of spot checks may be reasonably lowered for market subjects with relatively good credit and relatively low risk, reducing influence to their regular production and operations; for market subjects with ordinary credit risks, spot checks are conducted with conventional proportions and frequencies; for law-breaking, untrustworthy, and relatively high-risk market subjects the proportion and frequency of spot checks will be appropriately increased, implementing strict management and punishment according to laws and regulations. (All localities and all departments are respectively responsible according to their duties)

IV. Perfecting credit supervision and management in the ex-post segment

(8) Completing determination mechanisms for the counterparts for joint punishment for trust-breaking. Relevant departments will establish and complete name list systems for the counterparts of joint punishment for trustworthiness according to laws and regulations, on the basis of untrustworthiness records obtained and determined during the ex ante and interim supervision and management segments. Market subjects with unlawful and untrustworthy acts of a malicious nature, with grave circumstances and relatively large social harm will be listed on the name list for joint punishment counterparts for untrustworthy acts according to procedure and on the basis of corresponding judicial verdicts, administrative punishments, administrative coercive measures, etc. Accelerate the perfection of relevant management rules, clarify determination bases, standards, procedures, dissent appeals and withdrawal mechanisms. For the formulation of management rules, the opinions from the social public must be fully solicited, and published standards and their concrete determination procedures will be made published to society in an appropriate manner. Relevant departments will be supported to establish name list systems for focus attention targets on the basis of requirement, for market subjects where untrustworthy acts exist but the degree of gravity has not reached the determination standard for joint punishment of untrustworthiness, it is permitted to implement strict supervision measures corresponding to the degree of their untrustworthiness. (All departments are respectively responsible according to their duties)

(9)

Supervising rectification of untrustworthy market subjects within a limited time. Untrustworthy market subjects shall earnestly rectify matters within the provided time limits; where the rectification is insufficient, the determining department will initiate procedures for prompting talks or warning talks according to laws and regulations, according to the principle of "who determines, has the talk", and supervise untrustworthy market subjects' fulfilment of related duties and deletion of the harmful influence. Talk records are included into the credit record of the untrustworthy market subject, and are entered into the national credit information sharing platform after uniform collection. Forcefully advance special campaigns on untrustworthiness issues in focus areas, and adopt powerful and effective measures to accelerate the progress of rectification. (All departments are respectively responsible according to their duties)

(10) Deeply conducting joint punishment for untrustworthiness. Accelerate the construction of cross-regional, cross-sectoral, and cross-area joint punishment mechanisms for untrustworthiness, and resolve the problem that untrustworthy acts emerge repeatedly, or emerge in other areas at the roots. Establish joint punishment measure lists according to laws and regulations, dynamically renew them and publish them to society, and create a large structure for joint punishment for untrustworthiness with multi-barrelled roles for administrative, market and sectoral punishment measures, and broad participation. This forces firms to penalize untrustworthy acts with great punitive strength and good supervision and management effects, including consulting targets of joint punishment for untrustworthiness according to laws and regulations from issuing shares, tendering and bidding, applying for funding projects from the finance administration, enjoying fiscal preferences and other such administrative punishment measures, restrict them from obtaining credit lines, traveling on aircraft, traveling on high-grade trains and seats and

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other such market punishment measures, as well as reporting for criticism, public denunciation and other such administrative punishment measures. (NDRC takes the lead, all localities and all departments are respectively responsible according to their responsibilities)

(11) Determinedly implementing market and sector ban mechanisms according to laws and regulations. Implement strict supervision and management, and strengthen punishment with the focus on food and drug products, ecology and the environment, engineering quality, safe production, care for the elderly and children, urban operational security and other such areas directly connected with the security of the popular masses' lives and assets. Firmly implement market and sectoral ban measures within a certain time period according to laws and regulations, even up to permanent expulsion from markets, against market subjects and their relevant responsible persons who refuse to implement a judicial verdict or an administrative punishment decision, do not improve after repeated violations, resulting in major losses. (NDRC takes the lead, all localities and all departments are respectively responsible according to their duties)

(12) Lawfully investigate liability for law-breaking and untrustworthiness. Establish and complete liability investigation mechanisms, impose untrustworthiness punishment against the legal representative or main responsible persons and actual controlling persons of market subjects listed on the joint punishment target list for untrustworthiness according to laws and regulations, and enter corresponding untrustworthy act on their personal credit record. Where unlawful or untrustworthy conduct occurs in organize undertaking work units or State-owned enterprises, it must be reported to the higher-level competent work unit and auditing department; where unlawful or trust-breaking conduct occurs among work personnel, they must be reported to their work unit and the related discipline inspection, supervision, organization and personnel departments. (All localities and all departments are respectively responsible according to their duties)

(13)

Exploring the establishment of credit recovery mechanisms. Where untrustworthy market subjects correct the untrustworthy act and eliminate harmful influence within the provided time limit, they may conduct credit recovery through methods such as issuing credit commitments, completing credit rectification, passing credit inspections, accepting specialized training, submitting credit reports, participating in public interest and charity activities, etc. After recovery is completed, all localities and all departments must timely cease the publication of their untrustworthiness reports according to procedure, and terminate the implementation of joint punishment measures. Accelerate the establishment and perfection of mechanisms for coordination and joint action, handling all affairs through one network, and provide high-efficiency and convenient credit recovery services to untrustworthy market subjects. Third-party credit service bodies meeting conditions are encouraged to provide credit reports, credit management consulting and other such services. (NDRC takes the lead, all localities and all departments are respectively responsible according to their duties)

V. Strengthening support and safeguards for credit supervision and management

(14) Striving to enhance credit supervision and management informatization construction levels. Give full rein to the information collection and sharing role of the nationwide credit information sharing platform and the national "Internet Plus Supervision and Management" system, ensure that government departments' credit information "is fully collected where it shall be collected", enhance the interconnection and interaction of local credit information platforms and sectoral credit information systems, create smooth government and enterprise data circulation mechanisms, create "one network" completely covering credit information of all localities, all departments and all kinds of market subjects. Rely on the national credit information sharing platform and the national "Internet Plus Supervision and Management" system to share basic market subject information, law enforcement supervision, management and punishment information, untrustworthiness joint punishment information etc. with related departmental operations systems according to requirement, add applications in the process of credit supervision and management and other such processes, support the creation of a credit supervision and management coordination mechanism with synchronized data, uniform
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(15) Forcefully advancing credit supervision and management information openness and publication. On the basis of integrated publication of administrative licensing and administrative punishment information, entrust the Credit China website, the Chinese government network and other channels with further researching and promoting the open

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uploading of information on administrative obligations, administrative affirmations, administrative collection, administrative fees, administrative rulings, administrative compensation, administrative rewards, administrative supervision and inspection, and other such administrative acts within seven working days, promote the publication of information in judicial verdicts and law enforcement activities related to untrustworthy persons subject to enforcement and untrustworthy persons making false complaints of whom the information should be published, ensuring that "what shall be published, is fully published". (All localities and all departments are respectively responsible according to their duties)

(16) Fully giving rein to the supporting role of "Internet Plus" and big data in credit supervision and management. Rely on the national "Internet Plus Supervision and Management" system and other such systems to effectively integrate public credit information, market credit information, complaints reporting information and related Internet and third-party information, fully use big data, artificial and other such new-generation information technologies to realize that credit supervision and management data can be compared, processes can be traced, and issues can be monitored. All localities and all departments are encouraged to, in integration with reality, cooperate with big data bodies according to laws and regulations to exploit credit information, grasp market subjects' business situations and the characteristics of their laws in a timely and dynamic manner. Fully use the national "Internet Plus Supervision and Management" system and other such systems to establish early risk assessment and early warning mechanisms, to discover and prevent symptomatic, cross-sectoral and cross-regional risks early. Use big data to actively discover and distinguish clues for violations of laws and regulations, effectively prevent acts violating laws and regulations harming the public interests and the security of the masses' lives and assets. It is encouraged to enhance law enforcement supervision and management efficiency through the Internet of Things, the Internet of Vision and other such non-contact supervision and management measures to enhance the efficiency of law enforcement, supervision and management, realize the standardization, accuratization and smartification of supervision and management, reduce human factors, realize fair supervision and management, stop problems such as wilful inspections, multi-headed supervision and inspection, etc., realize "entering the door once, inspecting multiple matters", and reduce disturbance to supervision and management targets. (State Council General Office, NDRC, State Administration of Market Regulation take the lead, all departments are respectively responsible according to their duties.

(17) Realistically strengthening the protection of credit information security and market subjects' rights and interests. Strictly investigate and prosecute acts where credit information is leaked or distorted in violation of regulations, or credit information is used in pursuit of private gain, etc. Strengthen the construction of basic credit information security infrastructure and security protection capabilities. Establish and complete credit information objection and complaint structures, information providing and collecting work units must as quickly as possible examine and verify information to which market subjects have raised an objection and feed back the results, information verified as containing errors must be timely corrected or deleted. Where market subjects' lawful rights and interests were harmed after they were erroneously assigned to the untrustworthiness joint punishment target list, or untrustworthiness joint measures were erroneously adopted, relevant departments and work units must vigorously adopt measures to eliminate the harmful influence. (All localities and al departments are responsible on the basis of their duties)

(18) Vigorously guiding sectoral organizations and credit service bodies to coordinate supervision and management. Relevant department-authorized sectoral associations and chambers of commerce are supported to assist in the conduct of sectoral credit construction and credit supervision and management, sectoral associations and chambers of commerce are encouraged to establish member credit records, conduct credit commitments, credit training, sincerity propaganda, sincerity advocacy etc., make sincerity into an important component for sectoral rules and sectoral conventions, and guide their sectors in strengthening awareness about doing business lawfully and sincerely. Promote the development of information services for credit inquiry, credit grading, credit insurance, credit guarantees, contract fulfilment guarantees, credit management consulting and training, etc., and realistically let third-party credit service

bodies play a specialized role in aspects such as credit information collection, processing, use, etc. Relevant departments are encouraged to launch cooperation's with third-party credit service bodies in areas such as credit record integration, credit information sharing, credit big data analysis, credit risk early warning, examination and verification of cases of untrustworthiness, tracing and monitoring of untrustworthy activities, etc. (NDRC, Ministry of Civil Affairs, People's Bank of China are respectively responsible according to their duties)

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VI, Strengthening organization and implementation of credit supervision and management

(19) Strengthening organizational leadership. All localities and all departments must make building credit-based novel supervision and management mechanisms into an important measure in deeply advancing the "release, manage, serve" reform, put it in an ever more prominent position, strengthen organizational leadership, detail divisions of work and responsibilities, and promote implementation in a forceful, orderly and effective manner. Perfect supplementary structures to credit supervision and management, and strengthen links with other elements of "release, manage, serve" reform. Departments responsible for market supervision and management and sectoral supervision and management must realistically bear their dominant responsibility in sectoral credit construction and credit supervision and management, fully give rein to the roles of sectoral organizations and third-party credit service bodies, create beneficial conditions for public supervision, integrate and create joint forces for credit supervision and management with joint participation from all of society. (NDRCD takes the lead, all departments and all localities are respectively responsible according to their duties)

(20) Launching trials and demonstrations. Organize and launch credit construction and credit supervision and management trials and demonstrations revolving around credit commitments, credit recovery, untrustworthiness joint punishment, credit big data exploitation and use and other such focus work. On the basis of exploration and innovation in all localities and all departments, timely summarize, abstract and exchange good methods and good experiences in launching credit construction and credit supervision and management, and reproduce and broaden them on an ever greater scale (NDRC takes the lead, all localities and all departments are respectively responsible according to their duties)

(21) Accelerating the establishment of rules and structures. Promote the formulation of social credit system construction-related laws, accelerate the research and promulgation of public credit information management regulations, unified social credit code management rules and other such regulations. Establish and complete nationwide uniform credit supervision and management norms and standards, timely publish related local regulations, government rules and normative documents, and upgrade methods effective in credit supervision and management practice into structures and norms. Grasp the formulation of national standards urgently needed in credit supervision and management. (NDRC, Ministry of Justice take the lead, all localities and all departments are respectively responsible according to their duties)

(22) Conducting propaganda and explanation. All localities and all departments must, through all kinds of channels and methods, conduct policy propaganda and explanation work in a thorough and detailed manner for market subjects, to let businesspeople fully understand and vigorously cooperate with credit-based novel supervision and management measures. Strengthen guidance and training for grass-roots and first-line supervision and management personnel. Organize news media to report broadly, vigorously propagate credit supervision and management measures and their results, and create a benign social atmosphere. (NDRC takes the lead, all localities and all departments are respectively responsible according to their duties)

State Council General Office

9 July 2019

国务院办公厅关于加快推进社会信用体系建设 构建以信用为基础的新型监管机制的指导意见 国办发〔2019〕35号

各省、自治区、直辖市人民政府，国务院各部委、各直属机构：

为加强社会信用体系建设，深入推进“放管服”改革，进一步发挥信用在创新监管机制、提高监管能力和水平方面的基础性作用，更好激发市场主体活力，推动高质量发展，经国务院同意，现提出如下意见。

一、总体要求

以习近平新时代中国特色社会主义思想为指导，深入贯彻落实党的十九大和十九届二中、三中全会精神，按照依法依规、改革创新、协同共治的基本原则，以加强信用监管为着力点，创新监管理念、监管制度和监管方式，建立健全贯穿市场主体全生命周期，衔接事前、事中、事后全监管环节的新型监管机制，不断提升监管能力和水平，进一步规范市场秩序，优化营商环境，推动高质量发展。

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二、创新事前环节信用监管

(一) 建立健全信用承诺制度。在办理适用信用承诺制的行政许可事项时，申请人承诺符合审批条件并提交有关材料的，应予即时办理。申请人信用状况较好、部分申报材料不齐全但书面承诺在规定期限内提供的，应先行受理，加快办理进度。书面承诺履约情况记入信用记录，作为事中、事后监管的重要依据，对不履约的申请人，视情节实施惩戒。要加快梳理可开展信用承诺的行政许可事项，制定格式规范的信用承诺书，并依托各级信用门户网站向社会公开。鼓励市场主体主动向社会作出信用承诺。支持行业协会商会建立健全行业内信用承诺制度，加强行业自律。(各地区各部门按职责分别负责)

(二) 探索开展经营者准入前诚信教育。充分利用各级各类政务服务窗口，广泛开展市场主体守法诚信教育。为市场主体办理注册、审批、备案等相关业务时，适时开展标准化、规范化、便捷化的法律知识和信用知识教育，提高经营者依法诚信经营意识。开展诚信教育不得收费，也不得作为市场准入的必要条件。(各地区各部门按职责分别负责)

(三) 积极拓展信用报告应用。鼓励各类市场主体在生产经营活动中更广泛、主动地应用信用报告。在政府采购、招标投标、行政审批、市场准入、资质审核等事项中，充分发挥公共信用服务机构和第三方信用服务机构出具的信用报告作用。探索建立全国统一的信用报告标准，推动信用报告结果实现异地互认。(发展改革委、人民银行牵头，各地区各部门按职责分别负责)

三、加强事中环节信用监管

(四) 全面建立市场主体信用记录。根据权责清单建立信用信息采集目录，在办理注册登记、资质审核、日常监管、公共服务等过程中，及时、准确、全面记录市场主体信用行为，特别是将失信记录建档留痕，做到可查可核可溯。(各地区各部门按职责分别负责)完善法人和非法人组织统一社会信用代码制度，以统一社会信用代码为标识，整合形成完整的市场主体信用记录，并通过“信用中国”网站、国家企业信用信息公示系统或中国政府网及相关部门门户网站等渠道依法依规向社会公开。完成12315市场监管投诉举报热线和信息化平台整合工作，大力开展消费投诉公示，促进经营者落实消费维权主体责任。(发展改革委、市场监管总局负责)

(五) 建立健全信用信息自愿注册机制。鼓励市场主体在“信用中国”网站或其他渠道上自愿注册资质证书、市场经营、合同履行、社会公益等信用信息，并对信息真实性公开作出信用承诺，授权网站对相关信息进行整合、共享与应用。经验证的自愿注册信息可作为开展信用评价和生成信用报告的重要依据。(发展改革委牵头，各部门按职责分别负责)

(六) 深入开展公共信用综合评价。全国信用信息共享平台要加强与相关部门的协同配合，依法依规整合各类信用信息，对市场主体开展全覆盖、标准化、公益性的公共信用综合评价，定期将评价结果推送至相关政府部门、金融机构、行业协会商会参考使用，并依照有关规定向社会公开。推动相关部门利用公共信用综合评价结果，结合部门行业管理数据，建立行业信用评价模型，为信用监管提供更精准的依据。(发展改革委牵头，各部门按职责分别负责)

(七) 大力推进信用分级分类监管。在充分掌握信用信息、综合研判信用状况的基础上，以公共信用综合评价结果、行业信用评价结果等为依据，对监管对象进行分级分类，根据信用等级高低采取差异化的监管措施。“双随机、一公开”监管要与信用等级相结合，对信用较好、风险较低的市场主体，可合理降低抽查比例和频次，减少对正常生产经营的影响；对信用风险一般的市场主体，按常规比例和频次抽查；对违法失信、风险较高的市场主体，适当提高抽查比例和频次，依法依规实行严管和惩戒。

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四、完善事后环节信用监管

(八) 健全失信联合惩戒对象认定机制。有关部门依据在事前、事中监管环节获取并认定的失信记录，依法依规建立健全失信联合惩戒对象名单制度。以相关司法裁判、行政处罚、行政强制等处理结果为依据，按程序将涉及性质恶劣、情节严重、社会危害较大的违法失信行为的市场主体纳入失信联合惩戒对象名单。加快完善相关管理办法，明确认定依据、标准、程序、异议申诉和退出机制。制定管理办法要充分征求社会公众意见，出台的标准及其具体认定程序以适当方式向社会公开。支持有关部门根据监管需要建立重点关注对象名单制度，对存在失信行为但严重程度尚未达到失信联合惩戒对象认定标准的市场主体，可实施与其失信程度相对应的严格监管措施。(各部门按职责分别负责)

(九) 督促失信市场主体限期整改。失信市场主体应当在规定期限内认真整改，整改不到位的，按照“谁认定、谁约谈”的原则，由认定部门依法依规启动提示约谈或警示约谈程序，督促失信市场主体履行相关义务、消除不良影响。约谈记录记入失信市场主体信用记录，统一归集后纳入全国信用信息共享平台。大力推进重点领域失信问题专项治理，采取有力有效措施加快推进整改。(各部门按职责分别负责)

(十) 深入开展失信联合惩戒。加快构建跨地区、跨行业、跨领域的失信联合惩戒机制，从根本上解决失信行为反复出现、易地出现的问题。依法依规建立联合惩戒措施清单，动态更新并向社会公开，形成行政性、市场性和行业性等惩戒措施多管齐下，社会力量广泛参与的失信联合惩戒大格局。重点实施惩戒力度大、监管效果好的失信惩戒措施，包括依法依规限制失信联合惩戒对象股票发行、招标投标、申请财政性资金项目、享受税收优惠等行政性惩戒措施，限制获得授信、乘坐飞机、乘坐高等级列车和席次等市场性惩戒措施，以及通报批评、公开谴责等行业性惩戒措施。(发展改革委牵头，各地区各部门按职责分别负责)

(十一) 坚决依法依规实施市场和行业禁入措施。以食品药品、生态环境、工程质量、安全生产、养老托幼、城市运行安全等与人民群众生命财产安全直接相关的领域为重点，实施严格监管，加大惩戒力度。对拒不履行司法裁判或行政处罚决定、屡犯不改、造成重大损失的市场主体及其相关责任人，坚决依法依规在一定期限内实施市场和行业禁入措施，直至永远逐出市场。

(发展改革委牵头，各地区各部门按职责分别负责)

(十二) 依法追究违法失信责任。建立健全责任追究机制，对被列入失信联合惩戒对象名单的市场主体，依法依规对其法定代表人或主要负责人、实际控制人进行失信惩戒，并将相关失信行为记入其个人信用记录。机关事业单位、国有企业出现违法失

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信行为的，要通报上级主管单位和审计部门；工作人员出现违法失信行为的，要通报所在单位及相关纪检监察、组织人事部门。（各地区各部门按职责分别负责）

（十三）探索建立信用修复机制。失信市场主体在规定期限内纠正失信行为、消除不良影响的，可通过作出信用承诺、完成信用整改、通过信用核查、接受专题培训、提交信用报告、参加公益慈善活动等方式开展信用修复。修复完成后，各地区各部门要按程序及时停止公示其失信记录，终止实施联合惩戒措施。加快建立完善协同联动、一网通办机制，为失信市场主体提供高效便捷的信用修复服务。鼓励符合条件的第三方信用服务机构向失信市场主体提供信用报告、信用管理咨询等服务。（发展改革委牵头，各地区各部门按职责分别负责）

五、强化信用监管的支撑保障

（十四）着力提升信用监管信息化建设水平。充分发挥全国信用信息共享平台和国家“互联网+监管”系统信息归集共享作用，对政府部门信用信息做到“应归尽归”，推进地方信用信息平台、行业信用信息系统互联互通，畅通政企数据流通机制，形成全面覆盖各地区各部门、各类市场主体的信用信息“一张网”。依托全国信用信息共享平台和国家“互联网+监管”系统，将市场主体基本信息、执法监管和处置信息、失信联合惩戒信息等与相关部门业务系统按需共享，在信用监管等过程中加以应用，支撑形成数据同步、措施统一、标准一致的信用监管协同机制。（发展改革委、国务院办公厅牵头，各地区各部门按职责分别负责）

（十五）大力推进信用监管信息公开公示。在行政许可、行政处罚信息集中公示基础上，依托“信用中国”网站、中国政府网或其他渠道，进一步研究推动行政强制、行政确认、行政征收、行政给付、行政裁决、行政补偿、行政奖励和行政监督检查等其他行政行为信息7个工作日内上网公开，推动在司法裁判和执行活动中应当公开的失信被执行人、虚假诉讼失信人相关信息通过适当渠道公开，做到“应公开、尽公开”。（各地区各部门按职责分别负责）

（十六）充分发挥“互联网+”、大数据对信用监管的支撑作用。依托国家“互联网+监管”等系统，有效整合公共信用信息、市场信用信息、投诉举报信息和互联网及第三方相关信息，充分运用大数据、人工智能等新一代信息技术，实现信用监管数据可比对、过程可追溯、问题可监测。鼓励各地区各部门结合实际，依法依规与大数据机构合作开发信用信息，及时动态掌握市场主体经营情况及其规律特征。充分利用国家“互联网+监管”等系统建立风险预判预警机制，及早发现防范苗头性和跨行业跨区域风险。运用大数据主动发现和识别违法违规线索，有效防范危害公共利益和群众生命财产安全的违法违规行为。鼓励通过物联网、视联网等非接触式监管方式提升执法监管效率，实现监管规范化、精准化、智能化，减少人为因素，实现公正监管，杜绝随意检查、多头监管等问题，实现“进一次门、查多项事”，减少对监管对象的扰动。（国务院办公厅、发展改革委、市场监管总局牵头，各部门按职责分别负责）

（十七）切实加大信用信息安全和市场主体权益保护力度。严肃查处违规泄露、篡改信用信息或利用信用信息谋私等行为。加强信用信息安全基础设施和安全防护能力建设。建立健全信用信息异议投诉制度，对市场主体提出异议的信息，信息提供和采集单位要尽快核实并反馈结果，经核实有误的信息要及时予以更正或撤销。因错误认定失信联合惩戒对象名单、错误采取失信联合惩戒措施损害市场主体合法权益的，有关部门和单位要积极采取措施消除不良影响。（各地区各部门按职责分别负责）

（十八）积极引导行业组织和信用服务机构协同监管。支持有关部门授权的行业协会商会协助开展行业信用建设和信用监管，鼓励行业协会商会建立会员信用记录，开展信用承诺、信用培训、诚信宣传、诚信倡议等，将诚信作为行规行约重要内容，引导本行业增强依法诚信经营意识。推动征信、信用评级、信用保险、信用担保、履约担保、信用管理咨询及培训等信用服务发展，切实发挥第三方信用服务机构在信用信息采集、加工、应用等方面的专业作用。鼓励相关部门与第三方信用服务机构在信用记录归集、信用信息共享、信用大数据分析、信用风险预警、失信案例核查、失信行为跟踪监测等方面开展合作。（发展改革委、民政部、人民银行按职责分别负责）

六、加强信用监管的组织实施

（十九）加强组织领导。各地区各部门要把构建以信用为基础的新型监管机制作为深入推进“放管服”改革的重要举措，摆在更加突出的位置，加强组织领导，细化责任分工，有力有序有效推动落实。完善信用监管的配套制度，并加强与其他“放管服”改革事项的衔接。负有市场监管、行业监管职责的部门要切实承担行业信用建设和信用监管的主体责任，充分发挥行业组织、第三方信用服务机构作用，为公众监督创造有利条件，整合形成全社会共同参与信用监管的强大合力。（发展改革委牵头，各地区各部门按职责分别负责）

（二十）开展试点示范。围绕信用承诺、信用修复、失信联合惩戒、信用大数据开发利用等重点工作，组织开展信用建设和信用监管试点示范。在各地各部门探索创新的基础上，及时总结、提炼、交流开展信用建设和信用监管的好经验、好做法，在更大范围复制推广。（发展改革委牵头，各地区各部门按职责分别负责）

（二十一）加快建章立制。推动制定社会信用体系建设相关法律，加快研究出台公共信用信息管理条例、统一社会信用代码管理办法等法规。建立健全全国统一的信用监管规则和标准，及时出台相关地方性法规、政府规章或规范性文件，将信用监管中行之有效的做法上升为制度规范。抓紧制定开展信用监管急需的国家标准。（发展改革委、司法部牵头，各地区各部门按职责分别负责）

（二十二）做好宣传解读。各地区各部门要通过各种渠道和形式，深入细致向市场主体做好政策宣传解读工作，让经营者充分理解并积极配合以信用为基础的新型监管措施。加强对基层和一线监管人员的指导和培训。组织新闻媒体广泛报道，积极宣传信用监管措施及其成效，营造良好社会氛围。（发展改革委牵头，各地区各部门按职责分别负责）

国务院办公厅

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