

# China Copyright and Media

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

(<https://chinacopyrightandmedia.wordpress.com/>)

## State Council Guiding Opinions concerning Establishing and Perfecting Incentives for Promise-keeping and Joint Punishment Systems for Trust-Breaking, and Accelerating the Construction of Social Sincerity (<https://chinacopyrightandmedia.wordpress.com/2016/05/30/state-council-guiding-opinions-concerning-establishing-and-perfecting-incentives-for-promise-keeping-and-joint-punishment-systems-for-trust-breaking-and-accelerating-the-construction-of-social-sincer/>)

POSTED ON MAY 30, 2016 ([HTTPS://CHINACOPYRIGHTANDMEDIA.WORDPRESS.COM/2016/05/30/STATE-COUNCIL-GUIDING-OPINIONS-CONCERNING-ESTABLISHING-AND-PERFECTING-INCENTIVES-FOR-PROMISE-KEEPING-AND-JOINT-PUNISHMENT-SYSTEMS-FOR-TRUST-BREAKING-AND-ACCELERATING-THE-CONSTRUCTION-OF-SOCIAL-SINCER/](https://chinacopyrightandmedia.wordpress.com/2016/05/30/state-council-guiding-opinions-concerning-establishing-and-perfecting-incentives-for-promise-keeping-and-joint-punishment-systems-for-trust-breaking-and-accelerating-the-construction-of-social-sincer/)) UPDATED ON OCTOBER 18, 2016

([HTTPS://CHINACOPYRIGHTANDMEDIA.WORDPRESS.COM/2016/05/30/STATE-COUNCIL-GUIDING-OPINIONS-CONCERNING-ESTABLISHING-AND-PERFECTING-INCENTIVES-FOR-PROMISE-KEEPING-AND-JOINT-PUNISHMENT-SYSTEMS-FOR-TRUST-BREAKING-AND-ACCELERATING-THE-CONSTRUCTION-OF-SOCIAL-SINCER/](https://chinacopyrightandmedia.wordpress.com/2016/05/30/state-council-guiding-opinions-concerning-establishing-and-perfecting-incentives-for-promise-keeping-and-joint-punishment-systems-for-trust-breaking-and-accelerating-the-construction-of-social-sincer/))

GF No. (2016)33

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

Completing the social credit system and accelerating the building of a novel market supervision structure with credit at the core benefits the further promotion of governmental streamlining and decentralization of powers, as well as the transformation of government functions, and creating a fair and sincere market environment. In order to establish and perfect incentives for promise-keeping and joint punishment systems for trust-breaking, accelerate the construction of social sincerity, the following Opinions are hereby put forward.

### I. General requirements

#### (1) Guiding ideology.

Comprehensively implement the spirit of the 18th Party Congress and its 3rd, 4th and 5th Plenums, deeply implement the spirit of the important series of speeches by General Secretary Xi Jinping, according to the policy deployments of the Party Centre and the State Council, closely focus on the strategic arrangement of the "Four Comprehensives", firmly establish notions of innovation, coordination, greenness, openness and shared development, implement the requirements of strengthening and innovating social governance, accelerate the construction of the social credit system, strengthen credit information openness and sharing, use credit incentive and restriction measures according to regulations, build interregional, interdepartmental and intersectoral joint incentives for promise-keeping and joint punishment mechanisms for trust-breaking with common participation by government and society, stimulate market subjects to trade sincerely and lawfully, safeguard the regular market order, and create a sincere social environment.

(2) **Basic principles:** Privacy & Cookies: This site uses cookies. By continuing to use this website, you agree to their use.

To find out more, including how to control cookies, see here: [Cookie Policy \(https://automattic.com/cookies/\)](https://automattic.com/cookies/)

– Praise sincerity, punish trust-breaking. Fully use credit incentive and restriction measures to expand incentives for sincere subjects and impose punishment on subjects gravely breaking trust, let the promise-keeper benefit and the trust-breaker face restrictions, and create structures and mechanisms to praise sincerity and punish trust-breaking.

Close and accept

– Joint departmental action, cooperation with society. Through credit information openness and sharing, establish interregional, interdepartmental and intersectoral joint incentive and punishment mechanisms, create a common governance framework with coordinated and joint action by government departments, self-discipline and management by sectoral organizations, vigorous participation by credit service bodies, and broad supervision by social public opinion.



– Rely on laws and regulations, protect rights and interests. Strictly rely on the provisions of laws, regulations and policies, and scientifically define acts of promise-keeping and trust-breaking in launching joint incentives for promise-keeping and joint punishment mechanisms for trust-breaking. Establish and complete credit recovery, objection and complaints mechanisms, and protect the lawful rights and interests of parties concerned.

– Emphasize focus points, comprehensively move matters forward. Persist in a problem orientation, strive to resolve the present problems of trust-breaking in focus areas, which harm the public interest and public security, to which the popular masses react strongly, and that create a negative influence on economic and social development. Encourage and support local People's Governments and relevant departments in innovating and demonstrations, progressively extent incentives for promise-keeping and punishment mechanisms for trust-breaking to all areas of the economy and society.

## II, Complete mechanisms to praise and incentivise sincere conduct

(3) Select and display models of sincerity through many channels. Establish administrative counterparts with good credit situations, models of sincerity and virtue, and outstanding young volunteers determined by relevant departments and social organizations who implement categorized credit supervision and management, as well as sincere members recommended by sectoral associations and chambers of commerce, sincere subjects unearthed by news media, etc. as models of sincerity. Encourage relevant departments and social organizations to establish all kinds of subject credit records in the process of supervision, management and service, present persons without a single credit record blemish and relevant models of sincerity to society, and implement incentives for promise-keeping together with other departments and social organizations. Encourage sectoral associations and chambers of commerce to perfect credit evaluation mechanisms for member enterprises. Guide enterprises to actively issue comprehensive credit commitments or special commitments concerning product and service quality, etc. openly issue product service standards and other self-made statements, accept social supervision, and create a good atmosphere for enterprises to compete in becoming models of sincerity.

(4) Explore the establishment of "green channels" for administrative examination and approval. In the process of dealing with administrative approvals, "green channels", "fast track acceptance" and other convenient service measures may be implemented for administrative counterparts who are models of sincerity or have not had negative credit records for three successive years may, on the basis of the real circumstances. Except for materials of which laws and regulations demand the provision, where a part of application materials is not complete, administrative counterparts meeting conditions may, if they commit in writing to provide them within the provided time limit, file [their application] for priority handling, to accelerate the handling process.

(5) Priority provision of public service conveniences. In the implementation of all kinds of preferential government policies for financial capital arrangements, supplementary preferential policies for attracting investment and raising funds, etc., priority consideration is to be given to sincere market subjects, and support strengthened. In areas including education, employment, establishing businesses, social security, etc., focus support and preferential conveniences are to be granted to sincere market subjects. In its use activities of relevant products, services, credit information releases and other such measures are to be adopted according to the law and according to contract for sincere market subjects.

Optimizing supervision and management arrangements for sincere enterprises. All levels' market supervision and management departments shall, according to the credit records and credit evaluation categories of their supervision

Close and accept (6)

counterparts, focus on using big data methods to perfect supervision and management measures during and after [trading activities], and provide convenient services to market subjects. Optimize the frequency of inspections for sincere enterprises meeting certain conditions in daily inspections and special inspections.

(7) Reduce costs for market trading. Encourage relevant departments and work units to launch incentive products for promise-keeping such as "easy lending for good taxpayers", "easy lending for the trustworthy", "easy debt issuance for the trustworthy", etc. , guide financial bodies, commercial sales bodies, and other such market bodies to consult and use market subjects' credit information, credit scores and credit evaluation reports, to grant preferences and conveniences to market subjects, ensuring that promise-keepers obtain ever more opportunities and tangible benefits in the market.

(8) Forcefully recommend sincere market subjects. Relevant departments in all levels' People's Governments shall timely publish positive credit information concerning sincere market subjects on their governmental websites and the "Credit China" website, give priority to recommending sincere enterprises during activities such as trade fairs, bank-enterprise linking, etc., to let credit become an important reference factor in the market allocation of resources. Guide credit information bodies to strengthen their collection of positive information of market subjects, and enlarge the proportion of incentivizing scoring in sectoral areas where reports concerning problems with sincerity are relatively concentrated. Promote sectoral associations to strengthen sincerity construction and sectoral self-discipline, commend sincere members, and tell the sector's "sincerity story" well.

### III, Complete measures to restrict and punish trust-breaking acts

(9) Implement joint punishments against trust-breaking acts in focus areas and of a grave nature. On the basis that relevant departments and social organizations deal with and assess trust-breaking acts within their own areas according to laws and regulations, promote that other departments and social organizations adopt joint punishment measures against grave acts of trust breaking according to laws and regulations, through information sharing. The focus points include: first, grave trust-breaking acts gravely endangering the personal health and life security of the popular masses, including food and drugs, ecological environment, project quality, production safety, fire safety, mandatory product authentication and other areas. Second, grave trust breaking acts that gravely destroy a fair and competitive market order and the regular order of society, including bribery, tax evasion and tax fraud, malicious evasion of debt, malicious arrears in payment or service fees, malicious arrears in salary payment, illegal fund-raising, contract fraud, pyramid selling, unlicensed business operations, sales of fake and shoddy products and wilful infringement of intellectual property rights, loaning or borrowing qualifications to enter tenders, illegal budding or clustered budding, false advertising, infringement of the lawful rights and interests of consumers or investors in negotiable securities, grave destruction of the communication order in cyberspace, gathering a mob to bring social order into chaos, etc. Third, gravely trust-breaking acts of refusing to carry out statutory duties, or gravely influencing the credibility of judicial bodies and administrative bodies, including where parties who, after a judicial body or administrative body issues a judgment or decision, having the capacity to implement it, do not implement it, evade enforcement, etc. Fourth, acts of refusing to carry out national defence duties, refusing or evading military service, refusing or delaying the commandeering of civil resources or obstructing the transformation of civil resources that have been commandeered, endangering national defence interests and destroying national defence facilities.

(10) Strengthen administrative restrictions and punishments for trust-breaking acts according to laws and regulations. Adopt administrative restrictions and punitive measures according to laws and regulations against gravely trust-breaking subjects, all localities and all relevant departments should list them as focus supervision targets. Strictly examine and verify administrative examination and approval clauses, strictly control the issuance of production permits, limit the new addition of project examination, approval and verification, limit share issuance, market listing or bond issuance, limit listing and fundraising on the nationwide share transfer system, limit the initiation, establishment or participation in financial bodies as well as small-value loan companies, financial guarantee companies, start-up investment companies, Internet finance platforms and other such bodies, and limit engagement in Internet information services. Strictly limit application for financial funding programmes, limit participation in relevant public resource trading activities, and limit franchising in the operation of basic infrastructure and public undertakings. Implement market and sectoral entry prohibition measures against enterprises gravely breaking trust as well as their legal representative main responsible persons and the registered enforcement personnel that has direct responsibility for the trust-breaking act. Timely revoke

Privacy & Cookies: This site uses cookies. By continuing to use this website, you agree to their use.

To find out more, including how to control cookies, see here: [Cookie Policy \(https://automatic.com/cookies/\)](https://automatic.com/cookies/)

Close and accept

the honorary titles of gravely trust-breaking enterprises and their legal representative, responsible persons, high-level managers and the directors, shareholders and other such personnel who have direct responsibility for the trust-breaking act, and cancel their qualification to participate in competitions and awards.

(11) Strengthen market restrictions and punishments for trust-breaking acts. Relevant departments and bodies shall, with the uniform social credit code as index, timely make public and disclose information relevant to gravely trust-breaking subjects, to make it convenient for the market to distinguish trust-breaking acts and prevent credit risks. Stimulate relevant enterprises and individuals to carry out statutory duties, implement measures such as restrictions on leaving the borders, restrictions on the purchase of immovable property, traveling on aircraft, traveling on high-class trains and seats, on tourism and holidays, on staying in star-ranked hotels and other such conspicuous consumption acts by gravely trust-breaking subjects who have the capacity to carry out [their obligations] but do not carry them out. Support credit information bodies in collecting information concerning grave trust-breaking acts, and enter them into credit records and credit reports. Guide commercial banks, securities and futures trading bodies, insurance companies and other such financial bodies to raise lending rates or property insurance rates of gravely trust-breaking subjects, or limit their provision of loans, recommendations, sales, insurance and other such services, according to the principle of risk valuation.

(12) Strengthen sectoral restrictions and punishments for trust-breaking acts. Establish and complete sectoral self-discipline treaties and professional ethics standards, and promote the construction of sectoral credit. Guide sectoral associations to perfect intra-sector credit information collection and sharing mechanisms, and enter acts gravely violating trust into members' credit files. Encourage sectoral associations to collaborate with qualified third-party credit service bodies to launch credit ranking and evaluation of member enterprises. Support sectoral associations to take measures such as warnings, intra-sector reporting for criticism, public condemnations, not granting entry, persuasion to resign and other such punitive measures against trust-breaking members, according to sector standards, sector regulations, sector conventions, etc., in view of the gravity of the circumstances.

(13) Strengthen social restrictions and punishment for trust-breaking acts. Fully give rein to the role of all kinds of social organizations in guiding social forces to broadly participate in the joint punishment for trust-breaking. Establish and perfect trust-breaking reporting mechanisms, encourage the public to report grave trust-breaking acts by enterprises, and maintain the secrecy of information of the reporting person. Support relevant social organizations in raising public interest litigation against mass infringement acts such as environmental pollution, harm to the lawful rights and interests of consumers or public investors, etc. Encourage fair, independent and qualified social bodies to launch big data public opinion monitoring concerning trust-breaking acts, compile and issue regional and sectoral credit analysis reports.

(14)

Perfect individual credit records, and promote that joint punishment measures are carried out at the personal level. At the same time that grave trust-breaking acts by enterprises and undertaking work units are entered into the enterprise and undertaking work unit credit records, they are to be entered into the individual credit records of their legal representative, main responsible persons and other persons with direct responsibility. At the same time that joint punishment is taken against trust-breaking enterprises and undertaking work units, corresponding joint punishment measures are adopted against the relevant responsible persons according to the provisions of laws, regulations and policies. Ensure that joint punishment for trust-breaking is carried out at the personal level through establishing and perfecting integral individual credit record databases and joint punishment mechanisms.

IV. Building coordination mechanisms for joint incentive mechanisms for promise-keeping and joint punishment mechanisms for trust-breaking.

(15) Build trigger and feedback mechanisms. Under the system of the Interministerial Joint Conference for the Construction of the Social Credit System, by establishing initialing and response agreements for joint incentives for promise-keeping and joint punishment for trust-breaking. The initiating departments for joint incentives for promise-keeping and joint punishment for trust-breaking in all areas are responsible to determine the incentive and punishment target, the implementing departments are responsible for adopting the corresponding joint incentive and joint punishment measure concerning relevant subjects.

Close and accept

(16) Implement ministerial and provincial coordination, and cross-regional joint action. Encourage all localities to initiate ministerial and provincial coordination and cross-regional joint incentives and punishments concerning models of sincerity and gravely trust-breaking subjects they have identified within their administrative areas. Fully give rein to the leading role of the Interministerial Joint Conference for the Construction of the Social Credit System, establish and complete cross-regional, cross-departmental and cross-issue area credit system construction collaboration mechanisms, strengthen credit information sharing and mutual recognition of credit evaluation results.

(17) Establish and complete credit information publication mechanisms. Promote the openness of government credit information, comprehensively implement systems for the publication of information concerning administrative permission and administrative punishment information online. Except where laws and regulations provide otherwise, county-level and higher People's Governments and their departments must publish information concerning administrative permissions and administrative punishments for natural persons, legal persons and other organizations through governmental websites within seven days, timely submit it for collection on the "Credit China" website, and provide "one-stop" inquiry services to society. Relevant information concerning enterprises is to be published according to the provisions of the provisional regulations concerning the publication of enterprise information on the enterprise credit information publication system. Promote judicial bodies to publish judicial verdicts, a name list of persons subject to enforcement for trust-breaking and other such credit information of the "Credit China" website.

(18) Establish and complete credit information collection, sharing and use mechanisms. Rely on the National E-Government External Network, establish nationwide credit information sharing platforms, and give rein to the pivotal role of credit information collection and sharing. Accelerate the establishment and completion of credit information sharing platforms in all provinces (regions, municipalities) and all sectoral credit information systems, promote the construction of projects such as the young volunteers' credit information system, collect and integrate credit information from their own regions and sectors, and realize interaction, interconnection and information sharing with the nationwide credit information sharing platform. Rely on the nationwide credit information sharing platform, and establish credit information management systems concerning joint incentives for promise-keeping and joint punishment for trust-breaking on the basis of signing memoranda of collaboration with relevant departments, and ensure dynamic coordination functions for initiation and response, information delivery, enforcement feedback, credit recovery, dispute settlement, etc. All levels' People's Governments and their departments shall embed the enquiry and usage of credit information on the national credit information sharing platform into examination, approval, supervision and management workflows, to ensure that "inspections are made where due, and rewards and punishments achieve their purpose". Complete information sharing mechanisms between government and credit investigation bodies, financial bodies, sectoral associations and other such organizations, stimulate the interaction and merging of government credit information and social credit information, and give rein to the role of joint punishment for promise-keeping and joint punishment for trust-breaking to the greatest extent.

(19) Standardizing credit whitelist and blacklist system. Incessantly perfect "white list" systems for models of sincerity and "black list" systems for subjects gravely breaking trust, standardize whitelist and blacklist production and distribution activities in all areas according to laws and regulations, and establish and complete withdrawal mechanisms. Under the precondition of guaranteeing independence, fairness and objectivity, encourage relevant mass organizations, financial bodies, credit investigation bodies, ranking bodies, administrative associations, etc., to provide the information about the "white lists" and "black lists" their produce to government departments for reference and use.

(20) Establish incentive and punishment measure list structures. On the basis of memoranda of understanding in relevant areas, comb through joint incentive and punishment items determined in laws, regulations and policies, establish a list of joint incentives for promise-keeping and joint punishment measures for trust-breaking, which are mainly to be divided into two categories: a first category comprises mandatory measures, meaning incentive and punishment measures that

must be jointly implemented according to the law; a second category comprises recommended measures, meaning they are recommended by the various sides involved, conform to the policy orientation of praising sincerity and punishing trust-breaking, and all localities and departments may implement these on the basis of their real circumstances. The Interministerial Joint Conference for the Construction of the Social Credit System shall summarize experiences, incessantly perfect the list of measures in these two categories, and promote the construction of related laws and regulations.

Privacy & Cookies: This site uses cookies. By continuing to use this website, you agree to their use.

To find out more, including how to control cookies, see here: [Cookie Policy \(https://automatic.com/cookies/\)](https://automatic.com/cookies/)

Close and accept

(21) Establish and complete credit recovery mechanisms. The sponsoring departments of joint punishment measures and the implementing departments shall, according to the provisions of laws, regulations and policies, determine the joint punishment period for all kinds of trust-breaking activities. Where the trust-breaking act is rectified within a provided time period, and its harmful influence undone, it will no longer be a target for joint punishment. Establish social encouragement and care mechanisms that benefit self-rectification and autonomous self-renewal, and support individuals who have broken trust to recover their individual credit through ways such as social public interest service, etc.

(22) Establish and complete measures to protect the rights and interests of credit subjects. Establish and complete credit information objection and complaints structures. Relevant departments and work units shall, where they actively discover or discover through an objection raised or complaint filed by a market subject when carrying out joint punishment measures for trust-breaking, timely notify the information providing work unit for verification, the information providing work unit shall verify the matter and issue feedback. The joint punishment measure will provisionally not be implemented during the period in which information verification takes place. Information found to be erroneous shall be timely corrected or deleted. Where joint punishment measures taken erroneously damage the lawful rights and interests of relevant parties, relevant department and work units shall vigorously adopt measures to restore their reputation, and eliminate the harmful influence. Relevant subjects are to be supported to defend their lawful rights and interests through administrative reconsideration, administrative litigation and other such means.

(23) Establish tracking and validity inquiry mechanisms. All localities and all relevant departments must establish and perfect joint credit incentive and punishment work structures, fully use relevant credit information management systems and the nationwide credit information sharing platform, establish and complete joint credit incentive and punishment tracking, monitoring, statistics and evaluation mechanisms as well as establish corresponding supervision, inspection and assessment systems. Departments and work units who are weak in collecting and sharing credit information, and in the implementation of incentive and punishment measures will be subject to reports and supervised rectification, in order to realistically implement all joint incentive and joint punishment measures satisfactorily.

V

#### Strengthening the construction of legal and regulatory structures and a sincerity culture

(24) Perfect corresponding laws and regulations. Continue to research and elucidate legislation in the area of social credit. Accelerate the research and progress of legislation work in areas such as credit information collection, sharing, publication and use, as well as joint punishment for trust-breaking acts. According to the requirements of strengthening credit restrictions and coordinated supervision, all localities and all departments shall put forward suggestions for the revision of relevant provisions in current laws, regulations, rules and normative documents or conduct focused revisions.

(25) Establish and complete standards and norms. Formulate standards for credit information collection, storage, sharing, publication, usage and credit evaluation, categorized credit management, etc. Formulate credit information sharing platform construction standards at all levels, unify data forms, data interfaces and other such technological requirements. All localities and all departments must, in integration with their concrete situation, formulate work procedures and operational norms for credit information, collection, sharing, publication and use, as well as joint incentives for promise-keeping and joint punishment for trust-breaking.

(26) Strengthening education about sincerity and the construction of a sincere civilization. Organize forces from all walks of society to guide the broad market subjects in doing business sincerely and according to the law, establish the idea that "sincerity lets business thrive", organize that news media and many other channels give publicity to sincere enterprise and individuals, and create a thick social ambience. Strengthen moral restrictions on trust-breaking acts, perfect social public opinion supervision mechanisms, strengthen supervision over trust-breaking subjects through newspapers, periodicals, radio, television, the internet and other such media, expose trust-breaking cases with a vile influence on society and grave circumstances according to the law, launch mass appraisal, discussion and criticism activities, and shape public opinion pressure and moral constraints on acts gravely breaking trust, strengthen education and assistance for trust-breaking individuals through schools, work units, communities, households, etc., and guide them to timely amend their trust-breaking ways. Strengthen sincerity propaganda and education for responsible persons in enterprises, students and the young masses, and strengthen professional ethics construction, with sincerity as an important

Close and accept

component, for auditors and accountants, tour guides, insurance brokers, civil servants, etc. Strengthen propaganda, reporting and case analysis of joint incentives for promise-keeping and joint punishments for trust-breaking, and carry forward the Socialist core value view.

(27) Strengthen organizational implementation, supervision and inspection. All regions and all relevant departments must make the implementation of joint incentives for promise-keeping and joint punishment for trust-breaking into an important measure in pushing forward the construction of the social credit system, earnestly implement these Opinions and formulate concrete implementation plans, realistically strengthen organizational leadership, provide the necessary guarantees in term of work bodies, personnel allocation, project funding, etc., and guarantee that all joint incentives and all joint punishment mechanisms are implemented satisfactorily. Encourage relevant regions and departments to take the lead and carry out advance trials, build long-lasting mechanisms through signing memoranda of cooperation, rolling out normative documents or many other methods, incessantly enrich the content of credit incentives, and strengthen credit restriction measures. The National Development and Reform Commission must strengthen comprehensive planning, timely track and master the progress of work, and urge and inspect the implementation of tasks and report this to the State Council.

State Council

30 May 2016

国务院关于建立完善  
守信联合激励和失信联合惩戒制度  
加快推进社会诚信建设的指导意见  
国发〔2016〕33号

各省、自治区、直辖市人民政府，国务院各部委、各直属机构：

健全社会信用体系，加快构建以信用为核心的新型市场监管体制，有利于进一步推动简政放权和政府职能转变，营造公平诚信的市场环境。为建立完善守信联合激励和失信联合惩戒制度，加快推进社会诚信建设，现提出如下意见。

一、总体要求

(一) 指导思想。

全面贯彻党的十八大和十八届三中、四中、五中全会精神，深入贯彻习近平总书记系列重要讲话精神，按照党中央、国务院决策部署，紧紧围绕“四个全面”战略布局，牢固树立创新、协调、绿色、开放、共享发展理念，落实加强和创新社会治理要求，加快推进社会信用体系建设，加强信用信息公开和共享，依法依规运用信用激励和约束手段，构建政府、社会共同参与的跨地区、跨部门、跨领域的守信联合激励和失信联合惩戒机制，促进市场主体依法诚信经营，维护市场正常秩序，营造诚信社会环境。

(二) 基本原则。

- 褒扬诚信，惩戒失信。充分运用信用激励和约束手段，加大对诚信主体激励和对严重失信主体惩戒力度，让守信者受益、失信者受限，形成褒扬诚信、惩戒失信的制度机制。
- 部门联动，社会协同。通过信息公开和共享，建立跨地区、跨部门、跨领域的联合激励与惩戒机制，形成政府部门协同联动、行业组织自律管理、信用服务机构积极参与、社会舆论广泛监督的共同治理格局。
- 依法依规，保护权益。严格依照法律法规和政策规定，科学界定守信和失信行为，开展守信联合激励和失信联合惩戒。建立健全信用修复、异议申诉等机制，保护当事人合法权益。
- 突出重点，统筹推进。坚持问题导向，着力解决当前危害公共利益和公共安全、群众反映强烈、对经济社会发展造成重大负面影响的重点领域失信问题。鼓励支持地方人民政府和有关部门创新示范，逐步将守信激励和失信惩戒机制推广到经济社会各领域。

二、健全褒扬和激励诚信行为机制

(三) 多渠道选树诚信典型。将有关部门和社会组织实施信用分类监管确定的信用状况良好的行政相对人、诚信道德模范、优秀青年志愿者，行业协会商会推荐的诚信会员，新闻媒体挖掘的诚信主体等树立为诚信典型。鼓励有关部门和社会组织在监管和服务中建立各类主体信用记录，向社会推介无不良信用记录者和有关诚信典型，联合其他部门和社会组织实施守信激励。鼓励行业协会商会完善会员企业信用评价机制。引导企业主动发布综合信用承诺或产品服务标准等专项承诺，开展产品服务标准等自我声明公开，接受社会监督，形成企业争做诚信模范的良好氛围。

Privacy & Cookies: This site uses cookies. By continuing to use this website, you agree to their use.

To find out more, including how to control cookies, see here: [Cookie Policy \(https://automattic.com/cookies/\)](https://automattic.com/cookies/)

Close and Escap

(四) 探索建立行政审批“绿色通道”。在办理行政许可过程中,对诚信典型和连续三年无不良信用记录的行政相对人,可根据实际情况实施“绿色通道”和“容缺受理”等便利服务措施。对符合条件的行政相对人,除法律法规要求提供的材料外,部分申报材料不齐备的,如其书面承诺在规定期限内提供,应先行受理,加快办理进度。

(五) 优先提供公共服务便利。在实施财政性资金项目安排、招商引资配套优惠政策等各类政府优惠政策中,优先考虑诚信市场主体,加大扶持力度。在教育、就业、创业、社会保障等领域对诚信个人给予重点支持和优先便利。在有关公共资源交易活动中,提倡依法依规对诚信市场主体采取信用加分等措施。

(六) 优化诚信企业行政监管安排。各级市场监管部门应根据监管对象的信用记录和信用评价分类,注重运用大数据手段,完善事中事后监管措施,为市场主体提供便利化服务。对符合一定条件的诚信企业,在日常检查、专项检查中优化检查频次。

(七) 降低市场交易成本。鼓励有关部门和单位开发“税易贷”、“信易贷”、“信易债”等守信激励产品,引导金融机构和商业销售机构等市场服务机构参考使用市场主体信用信息、信用积分和信用评价结果,对诚信市场主体给予优惠和便利,使守信者在市场中获得更多机会和实惠。

(八) 大力推介诚信市场主体。各级人民政府有关部门应将诚信市场主体优良信用信息及时在政府网站和“信用中国”网站进行公示,在会展、银企对接等活动中重点推介诚信企业,让信用成为市场配置资源的重要考量因素。引导征信机构加强对市场主体正面信息的采集,在诚信问题反映较为集中的行业领域,对守信者加大激励性评分比重。推动行业协会商会加强诚信建设和行业自律,表彰诚信会员,讲好行业“诚信故事”。

### 三、健全约束和惩戒失信行为机制

(九) 对重点领域和严重失信行为实施联合惩戒。在有关部门和社会组织依法依规对本领域失信行为作出处理和评价基础上,通过信息共享,推动其他部门和社会组织依法依规对严重失信行为采取联合惩戒措施。重点包括:一是严重危害人民群众身体健康和生命安全的行为,包括食品药品、生态环境、工程质量、安全生产、消防安全、强制性产品认证等领域的严重失信行为。二是严重破坏市场公平竞争秩序和社会正常秩序的行为,包括贿赂、逃税骗税、恶意逃废债务、恶意拖欠货款或服务费、恶意欠薪、非法集资、合同欺诈、传销、无证照经营、制售假冒伪劣产品和故意侵犯知识产权、出借和借用资质投标、围标串标、虚假广告、侵害消费者或证券期货投资者合法权益、严重破坏网络空间传播秩序、聚众扰乱社会秩序等严重失信行为。三是拒不履行法定义务,严重影响司法机关、行政机关公信力的行为,包括当事人在司法机关、行政机关作出判决或决定后,有履行能力但拒不履行、逃避执行等严重失信行为。四是拒不履行国防义务,拒绝、逃避兵役,拒绝、拖延民用资源征用或者阻碍对被征用的民用资源进行改造,危害国防利益,破坏国防设施等行为。

(十) 依法依规加强对失信行为的行政性约束和惩戒。对严重失信主体,各地区、各有关部门应将其列为重点监管对象,依法依规采取行政性约束和惩戒措施。从严审核行政许可审批项目,从严控制生产许可证发放,限制新增项目审批、核准,限制股票发行上市融资或发行债券,限制在全国股份转让系统挂牌、融资,限制发起设立或参股金融机构以及小额贷款公司、融资担保公司、创业投资公司、互联网融资平台等机构,限制从事互联网信息服务等。严格限制申请财政性资金项目,限制参与有关公共资源交易活动,限制参与基础设施和公用事业特许经营。对严重失信企业及其法定代表人、主要负责人和对失信行为负有直接责任的注册执业人员等实施市场和行业禁入措施。及时撤销严重失信企业及其法定代表人、负责人、高级管理人员和对失信行为负有直接责任的董事、股东等人员的荣誉称号,取消参加评先评优资格。

(十一) 加强对失信行为的市场性约束和惩戒。对严重失信主体,有关部门和机构应以统一社会信用代码为索引,及时公开披露相关信息,便于市场识别失信行为,防范信用风险。督促有关企业和个人履行法定义务,对有履行能力但拒不履行的严重失信主体实施限制出境和限制购买不动产、乘坐飞机、乘坐高等级列车和席次、旅游度假、入住星级以上宾馆及其他高消费行为等措施。支持征信机构采集严重失信行为信息,纳入信用记录和信用报告。引导商业银行、证券期货经营机构、保险公司等金融机构按照风险定价原则,对严重失信主体提高贷款利率和财产保险费率,或者限制向其提供贷款、保荐、承销、保险等服务。

(十二) 加强对失信行为的行业性约束和惩戒。建立健全行业自律公约和职业道德准则,推动行业信用建设。引导行业协会商会完善行业内部信用信息采集、共享机制,将严重失信行为记入会员信用档案。鼓励行业协会商会与有资质的第三方信用服务机构合作,开展会员企业信用等级评价。支持行业协会商会按照行业标准、行规、行约等,视情节轻重对失信会员实行警告、行业内通报批评、公开谴责、不予接纳、劝退等惩戒措施。

(十三) 加强对失信行为的社会性约束和惩戒。充分发挥各类社会组织作用,引导社会力量广泛参与失信联合惩戒。建立完善失信举报制度,鼓励公众举报企业严重失信行为,对举报人信息严格保密。支持有关社会组织依法对污染环境、侵害消费者或公众投资者合法权益等群体性侵权行为提起公益诉讼。鼓励公正、独立、有条件的社会机构开展失信行为大数据舆情监测,编制发布地区、行业信用分析报告。

(十四) 完善个人信用记录,推动联合惩戒措施落实到人。对企事业单位严重失信行为,在记入企事业单位信用记录的同时,记入其法定代表人、主要负责人和其他负有直接责任人员的个人信用记录。在对失信企事业单位进行联合惩戒的同时,依照法律法规和政策规定对相关责任人员采取相应的联合惩戒措施,通过建立完整个人信用记录数据库及联合惩戒机制,使失信惩戒措施落实到人。Agencies, including how to control cookies, see here: [Cookie Policy \(https://automattic.com/cookies/\)](https://automattic.com/cookies/)

### 四、构建守信联合激励和失信联合惩戒协同机制

(十五) 建立触发反馈机制。在社会信用体系建设部际联席会议制度下,建立守信联合激励和失信联合惩戒的发起与响应机制。各领域守信联合激励和失信联合惩戒的发起部门负责确定激励和惩戒对象,实施部门负责对有关主体采取相应的联合激励和联合惩戒措施。

(十六) 实施部省协同和跨区域联动。鼓励各地区对本行政区域内确定的诚信典型和严重失信主体，发起部省协同和跨区域联合激励与惩戒。充分发挥社会信用体系建设部际联席会议制度的指导作用，建立健全跨地区、跨部门、跨领域的信用体系建设合作机制，加强信用信息共享和信用评价结果互认。

(十七) 建立健全信用信息公示机制。推动政务信息公开，全面落实行政许可和行政处罚信息上网公开制度。除法律法规另有规定外，县级以上人民政府及其部门要将各类自然人、法人和其他组织的行政许可、行政处罚等信息在7个工作日内通过政府网站公开，并及时归集至“信用中国”网站，为社会提供“一站式”查询服务。涉及企业的相关信息按照企业信息公示暂行条例规定在企业信用信息公示系统公示。推动司法机关在“信用中国”网站公示司法判决、失信被执行人名单等信用信息。

(十八) 建立健全信用信息归集共享和使用机制。依托国家电子政务外网，建立全国信用信息共享平台，发挥信用信息归集共享枢纽作用。加快建立健全各省（区、市）信用信息共享平台和各行业信用信息系统，推动青年志愿者信用信息系统等项目建设和归集整合本地区、本行业信用信息，与全国信用信息共享平台实现互联互通和信息共享。依托全国信用信息共享平台，根据有关部门签署的合作备忘录，建立守信联合激励和失信联合惩戒的信用信息管理系统，实现发起响应、信息推送、执行反馈、信用修复、异议处理等动态协同功能。各级人民政府及其部门应将全国信用信息共享平台信用信息查询使用嵌入审批、监管工作流程中，确保“应查必查”、“奖惩到位”。健全政府与征信机构、金融机构、行业协会商会等组织的信息共享机制，促进政务信用信息与社会信用信息互动融合，最大限度发挥守信联合激励和失信联合惩戒作用。

(十九) 规范信用红黑名单制度。不断完善诚信典型“红名单”制度和严重失信主体“黑名单”制度，依法依规规范各领域红黑名单产生和发布行为，建立健全退出机制。在保证独立、公正、客观前提下，鼓励有关群众团体、金融机构、征信机构、评级机构、行业协会商会等将产生的“红名单”和“黑名单”信息提供给政府部门参考使用。

(二十) 建立激励和惩戒措施清单制度。在有关领域合作备忘录基础上，梳理法律法规和政策规定明确的联合激励和惩戒事项，建立守信联合激励和失信联合惩戒措施清单，主要分为两类：一类是强制性措施，即依法必须联合执行的激励和惩戒措施；另一类是推荐性措施，即由参与各方推荐的，符合褒扬诚信、惩戒失信政策导向，各地区、各部门可根据实际情况实施的措施。社会信用体系建设部际联席会议应总结经验，不断完善两类措施清单，并推动相关法律法规建设。

(二十一) 建立健全信用修复机制。联合惩戒措施的发起部门和实施部门应按照法律法规和政策规定明确各类失信行为的联合惩戒期限。在规定期限内纠正失信行为、消除不良影响的，不再作为联合惩戒对象。建立有利于自我纠错、主动自新的社会鼓励与关爱机制，支持有失信行为的个人通过社会公益服务等方式修复个人信用。

(二十二) 建立健全信用主体权益保护机制。建立健全信用信息异议、投诉制度。有关部门和单位在执行失信联合惩戒措施时主动发现、经市场主体提出异议申请或投诉发现信息不实的，应及时告知信息提供单位核实，信息提供单位应尽快核实并反馈。联合惩戒措施在信息核实期间暂不执行。经核实有误的信息应及时更正或撤销。因错误采取联合惩戒措施损害有关主体合法权益的，有关部门和单位应积极采取措施恢复其信誉、消除不良影响。支持有关主体通过行政复议、行政诉讼等方式维护自身合法权益。

(二十三) 建立跟踪问效机制。各地区、各有关部门要建立完善信用联合激励惩戒工作的各项制度，充分利用全国信用信息共享平台的相关信用信息管理系统，建立健全信用联合激励惩戒的跟踪、监测、统计、评估机制并建立相应的督查、考核制度。对信用信息归集、共享和激励惩戒措施落实不力的部门和单位，进行通报和督促整改，切实把各项联合激励和联合惩戒措施落到实处。

## 五、加强法规制度和诚信文化建设

(二十四) 完善相关法律法规。继续研究论证社会信用领域立法。加快研究推进信用信息归集、共享、公开和使用，以及失信行为联合惩戒等方面的立法工作。按照强化信用约束和协同监管要求，各地区、各部门应对现行法律、法规、规章和规范性文件有关规定提出修订建议或进行有针对性的修改。

(二十五) 建立健全标准规范。制定信用信息采集、存储、共享、公开、使用和信用评价、信用分类管理等标准。确定各级信用信息共享平台建设规范，统一数据格式、数据接口等技术要求。各地区、各部门要结合实际，制定信用信息归集、共享、公开、使用和守信联合激励、失信联合惩戒的工作流程和操作规范。

(二十六) 加强诚信教育和诚信文化建设。组织社会各方面力量，引导广大市场主体依法诚信经营，树立“诚信兴商”理念，组织新闻媒体多渠道宣传诚信企业和个人，营造浓厚社会氛围。加强对失信行为的道德约束，完善社会舆论监督机制，通过报刊、广播、电视、网络等媒体加大对失信主体的监督力度，依法曝光社会影响恶劣、情节严重的失信案件，开展群众评议、讨论、批评等活动，形成对严重失信行为的舆论压力和道德约束。通过学校、单位、社区、家庭等，加强对失信个人的教育和帮助，引导其及时纠正失信行为。加强对企业负责人、学生和青年群体的诚信宣传教育，加强会计审计人员、导游、保险经纪人、公职人员等重点人群以诚信为重要内容的职业道德建设。加大对守信联合激励和失信联合惩戒的宣传报道和案例剖析力度，弘扬社会主义核心价值观。

(二十七) 加强组织实施和督促检查。各地区、各有关部门要把实施守信联合激励和失信联合惩戒作为推进社会信用体系建设的重要举措，认真贯彻落实本意见并制定具体实施方案，切实加强组织领导，落实工作机构、人员编制、项目经费等必要保障，确保各项联合激励和联合惩戒措施落实到位。鼓励各地区和部门先行先试，通过签署合作备忘录或出台规范性文件等多种方式，建立长效机制，不断丰富信用激励内容，强化信用约束措施。国家发展改革委要加强统筹协调，及时跟踪掌握工作进展，督促检查任务落实情况并报告国务院。

This entry was posted in Enforcement (<https://chinacopyrightandmedia.wordpress.com/category/enforcement/>), State Council (<https://chinacopyrightandmedia.wordpress.com/category/issuing-institution/state-council/>), Structural Reform (<https://chinacopyrightandmedia.wordpress.com/category/structural-reform/>).

← Xi Jinping gives speech at Cybersecurity and Informatization Work Conference (<https://chinacopyrightandmedia.wordpress.com/2016/04/19/xi-jinping-gives-speech-at-cybersecurity-and-informatization-work-conference/>)

Joint Statement by the President of the People's Republic of China and the President of the Russian Federation concerning Coordinating the Promotion of Development in Information and Cyberspace →

## One thought on “State Council Guiding Opinions concerning Establishing and Perfecting Incentives for Promise-keeping and Joint Punishment Systems for Trust-Breaking, and Accelerating the Construction of Social Sincerity”

**MAKING SINCERITY MANDATORY | Rukor (<http://rukor.org/making-sincerity-mandatory/>) said:**

*July 22, 2017 at 7:42 am*

[...] skewed towards gaming the market, not paying one's bills on time, cheating the big corporations. The key concept is social credit, to such an extent that coverage outside China of this top-level project usually calls the entire [...]

0 1 Rate This

REPLY ([HTTPS://CHINACOPYRIGHTANDMEDIA.WORDPRESS.COM/2016/05/30/STATE-COUNCIL-GUIDING-OPINIONS-CONCERNING-ESTABLISHING-AND-PERFECTING-INCENTIVES-FOR-PROMISE-KEEPING-AND-JOINT-PUNISHMENT-SYSTEMS-FOR-TRUST-BREAKING-AND-ACCELERATING-THE-CONSTRUCTION-OF-SOCIAL-SINCERITY/?REPLYTOCOM=21979#RESPOND](https://chinacopyrightandmedia.wordpress.com/2016/05/30/state-council-guiding-opinions-concerning-establishing-and-perfecting-incentives-for-promise-keeping-and-joint-punishment-systems-for-trust-breaking-and-accelerating-the-construction-of-social-sincerity/?replytocom=21979#respond))

### Leave a Reply

Enter your comment here...

Search

### Follow this Blog

Privacy & Cookies: This site uses cookies. By continuing to use this website, you agree to their use.

To find out more, including how to control cookies, see here: [Cookie Policy \(https://automattic.com/cookies/\)](https://automattic.com/cookies/)

Enter your email address to follow this blog and receive notifications of new posts by email.

Enter your email address

Close and accept

Follow

## Interesting reading (<http://twitter.com/ChinaMedia1>)

Error: Twitter did not respond. Please wait a few minutes and refresh this page.

## List by

Select Category ▼

Advertisements



# Your next favorite podcast is here.

Download now



REPORT THIS AD

Privacy & Cookies: This site uses cookies. By continuing to use this website, you agree to their use.

To find out more, including how to control cookies, see [our Cookie Policy \(https://automattic.com/cookies/\)](https://automattic.com/cookies/)

WE TEAMED UP WITH EVENTBRITE ([HTTP://EVENTBRITE.COM/L/WORDPRESS?REF=WPFOOTER](http://eventbrite.com/l/wordpress?ref=wpfooter))

Close and accept