

海南自由贸易港公平竞争条例

Regulations of Hainan Free Trade Port on Fair Competition

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(2021年9月29日海南省第六届人民代表大会常务委员会第三十次会议通过)

第一章 总 则

第一条 为了加快建设高水平海南自由贸易港，促进和保护公平竞争，保障经营者和消费者的合法权益，根据《中华人民共和国海南自由贸易港法》《中华人民共和国反不正当竞争法》《中华人民共和国反垄断法》等法律法规，结合海南自由贸易港实际，制定本条例。

第二条 海南自由贸易港借鉴国际通行规则完善公平竞争制度，强化竞争政策的基础性地位，依法平等保护各类市场主体的合法权益，建设统一开放、竞争有序的市场体系。

第三条 海南自由贸易港保障经营者依法公平参与市场竞争，扩大经营规模，提高市场竞争力。

经营者在生产经营活动中应当遵守法律、法规和商业道德，遵循诚实守信、公平竞争原则，履行安全、质量、劳动者权益保护、消费者权益保护、生态环境保护等方面的法定义务，在国际经贸活动中遵循国际通行规则。

第四条 县级以上人民政府市场监督管理部门依据职责负责本行政区域内的公平竞争监督管理工作，查处影响公平竞争的行为，对经营者依法依规开展商业竞争进行事前指引，开展公平竞争宣传。

县级以上人民政府发展改革、商务等有关主管部门依据职责做好公平竞争监督管理的相关工作。

Regulations of Hainan Free Trade Port on Fair Competition

(Adopted at the 30th Session of the Standing Committee of the 6th Hainan Provincial People's Congress on September 29, 2021)

Chapter I General Provisions

Article 1 These Regulations are enacted pursuant to the Hainan Free Trade Port Law of the People's Republic of China, Anti-Unfair Competition Law of the People's Republic of China, Anti-Monopoly Law of the People's Republic of China, and other applicable laws and regulations, and based on the actual circumstances of Hainan Free Trade Port to expedite the development of a high-end Hainan Free Trade Port, improving and protecting fair competition, and protecting the legal rights of business operators and consumers alike.

Article 2 The Hainan Free Trade Port shall improve fair competition by drawing on internationally accepted rules, improving the basic fundamental status of competition policy, protecting legal rights for all kinds of market entities equally pursuant to law, and developing a standardized and orderly competitive open market system.

Article 3 The Hainan Free Trade Port shall guarantee business operators lawful and fair participation in market competition, expansion of business scale and improved market competitiveness in accordance with the law.

Business operators shall abide by laws, regulations, and business ethics, follow the principles of honesty, trustworthiness, and fair competition, fulfill safety, quality, employee and consumer rights protection statutory obligations, and ecological environment protection, and abide by international trade practices when conducting business internationally.

Article 4 The market regulation agency of the people's government at or above the county level shall be responsible for fair competition oversight and administration within their respective administrative areas, investigate and penalize acts that impair fair competition, provide *ex ante* guidance on commercial competition for operators pursuant to law, and conduct fair competition awareness to the extent of their duties.

The development and reform, commerce, and other people's government agencies at or above the county level shall effectively conduct fair competition oversight and administration work subject to their duties.

第五条 县级以上人民政府建立公平争议事协调机制，负责下列事项：

（一）制定和发布对推进公平竞争政策实施和公平竞争审查工作产生重大影响的规划、计划、制度、办法及其他文件等；

（二）加强竞争政策实施的统筹协调、指导推进工作，组织对涉及市场主体经济活动的重大政策措施进行会审；

（三）统筹、协调、监督、指导有关部门和单位开展公平竞争审查工作；

（四）组织、指挥、监督有关部门和单位开展影响公平竞争治理的联合执法和专项执法，协调、督促查处跨地区或者跨部门的重大、复杂案件；

（五）组织开展公平竞争治理信息化建设，提高公平竞争治理工作智能化水平；

（六）组织调查、评估市场总体竞争状况，组织宣传有关公平竞争的法律法规和政策措施，做好讲解答疑工作，回应社会关切；

（七）政府交办的其他涉及公平竞争的事项。

第六条 海南自由贸易港应当建立健全公平竞争社会共治机制，培育公平竞争文化，鼓励、引导经营者建立竞争合规制度。

行业协会等经营者组织应当加强行业自律，开展对经营者的竞争政策宣传、指导、培训等，引导、规范经营者依法竞争，维护市场公平竞争秩序；消费者组织应当努力提升消费者维权意识和维权能力，加强对影响公平竞争行为的社会监督。

第七条 县级以上人民政府应当推动运用互联网、大数据、区块链等

Article 5 The people's government at or above the county level shall establish a fair competition deliberation and coordination institution which shall be responsible for the following matters:

(a) preparing and issuing plans, schemes, rules, methods, and other documents that significantly impact the implementation of fair competition policies and reviews;

(b) improving the overall coordination, guidance, and optimization of competition policy implementation, and organizing joint reviews of major policies and actions concerning economic activities of market entities;

(c) integrating, coordinating, overseeing, and guiding the appropriate agencies and organizations to conduct fair competition reviews;

(d) organizing, directing, and overseeing the appropriate agencies and organizations to conduct joint and specific law enforcement against activities that affect fair competition governance, and coordinating and encouraging the investigation and resolution of major and complicated cases across areas or agencies;

(e) organizing the information system development for fair competition governance to improve smart fair competition governance;

(f) organizing the investigation and evaluation of overall market competition, organizing the publicity of fair competition laws, regulations, and policies to explain and answer questions and respond to public concerns; and

(g) other fair competition work as assigned by the government.

Article 6 The Hainan Free Trade Port shall establish and improve the fair competition social co-governance system, develop a fair competition culture, and encourage and guide business operators to establish competition compliance programs.

Industry associations and other business operator organizations shall improve self-discipline, announce competition policies, guide and train business operators, guide and standardize lawful competition among business operators, and maintain the market fair competition order. Consumer organizations shall strive to improve their awareness and capacity to defend their rights and improve social oversight over actions that may impair fair competition.

Article 7 The people's government at or above the county level shall encourage the use of modern information technologies such as the Internet, big data, and blockchain to implement

现代信息技术进行智能化监管，认定竞争违法行为、预警识别影响公平竞争的市场运行风险，提升监管效能，预防和制止不正当竞争行为和垄断行为。

第八条 县级以上人民政府应当推动与国内其他地区在公平竞争领域的工作协作，实现联动执法、信息共享。

第九条 海南自由贸易港应当在制定竞争政策、执法协同、交流培训、宣传教育、竞争文化促进等方面加强公平竞争国际合作。

第十条 县级以上人民政府及有关部门应当建立健全影响公平竞争行为的举报制度和举报人奖励、保护制度，畅通举报通道，鼓励、支持和保护一切单位和个人依法对影响公平竞争的行为进行社会监督。

国家机关及其工作人员不得支持、包庇影响公平竞争的行为。

第二章 公平竞争政策

第十一条 县级以上人民政府及有关部门在制定与市场主体经济活动密切相关的政策措施时，应当尊重市场经济规律，最大限度减少政府对市场资源的直接配置，最大限度减少政府对市场活动的直接干预，促进商品和要素自由便利流动，充分发挥市场在资源配置中的决定性作用。

第十二条 县级以上人民政府及有关部门应当推动产业政策向普惠化和功能性转型，强化对技术创新和结构升级的支持，加强产业政策和竞争政策协同。

县级以上人民政府及有关部门在制定具体的产业政策时，应当坚持以

smart oversight, identify acts of illegal competition, identify and warn of market operation risks that may affect fair competition, improve oversight efficiency, and prevent and curb unfair competition and monopolies.

Article 8 The people's government at or above the county level shall encourage fair competition and collaboration with other Chinese regions to achieve joint law enforcement and information sharing.

Article 9 The Hainan Free Trade Port shall improve international collaboration for fair competition policy creation, law enforcement coordination, communication and training, education and awareness, and competition culture improvement.

Article 10 The people's government at or above the county level and the appropriate agencies shall establish and improve the reporting system and the incentive and protection systems for whistleblowers, clear the reporting channels, and encourage, support, and protect all entities and individuals to lawfully conduct social oversight on acts that impair fair competition.

Government agencies and their employees shall not support or cover up acts that may impair fair competition.

Chapter II Fair Competition Policies

Article 11 When issuing policies and actions closely related to economic activities of market entities, the people's government at or above the county level and appropriate agencies shall respect the market economy rules, minimize the direct allocation of market resources, and direct intervention in market activities by the government, encourage the free and unrestricted flow of merchandise and factors, and take full advantage of the market's decisive role in resource allocation.

Article 12 The people's government at or above the county level and appropriate agencies shall encourage the transformation of industrial policies to generalization and functionality, improve the support for technological innovation and structural upgrades, and optimize coordination between industrial and competition policies.

The people's government at or above the county level and appropriate agencies should abide by the competition policies as the basis when issuing industrial policies, coordinate industrial

竞争政策为基础，统筹协调产业政策和其他经济政策，充分发挥各类政策在推动经济高质量发展中的相互促进作用，增强产业竞争力，集聚全球优质生产要素。

第十三条 政府及有关部门应当依法平等对待各类市场主体，保障各类市场主体在准入许可、经营运营、要素获取、标准制定、优惠政策等方面享受平等待遇。

没有法律、法规或者国务院决定和命令依据的，政府及有关部门不得制定减损市场主体合法权益或者增加其义务的政策措施；政府及有关部门不得滥用行政权力，制定含有排除、限制竞争内容的政策措施。

第十四条 县级以上人民政府及有关部门推进自然垄断行业改革，开放竞争性业务，加快竞争性环节市场化，加强自然垄断行业和垄断环节监管。

第十五条 海南自由贸易港实行放宽市场准入特别清单（特别措施）、外商投资准入负面清单等管理制度。负面清单以外的领域，各类市场主体均可以依法平等进入、公平竞争。

海南自由贸易港实行跨境服务贸易负面清单管理制度。负面清单以外的领域，境内外服务提供者依法平等参与市场竞争。

第十六条 海南自由贸易港支持数字经济依法创新健康发展，对平台经济、共享经济等新业态领域不正当竞争行为和垄断行为进行规范治理，保护市场公平竞争。

第三章 公平竞争审查

第十七条 行政机关以及法律、法规授权的具有管理公共事务职能的

policies, and other economic policies together, and take full advantage of the mutual improvement of different high-end economic development policies, optimize industrial competitiveness, and gather global high-quality production factors.

Article 13 The government and appropriate agencies shall treat different market entities equally pursuant to law and ensure that different market entities enjoy equal treatment in access permissions, business operations, factor acquisition, standards issuance, and preferential policies.

The government and appropriate agencies shall not issue policies and actions that may infringe upon market entities' legal rights or increase their obligations without basing such on laws, regulations, or State Council decisions and orders. Such government and appropriate agencies shall not abuse their administrative powers to issue policies and actions that exclude or restrict competition.

Article 14 The people's government at or above the county level and appropriate agencies shall encourage the reform of natural monopoly industries, open up businesses for competition, expedite the commercialization of areas open to competition, and improve the oversight of natural monopoly industries and monopolized portions.

Article 15 The Hainan Free Trade Port shall implement a specific list to ease market access (special actions) and the Foreign Investment Negative List. All market entities may enter and compete equally in all sectors other than those specified in the Negative List pursuant to law.

The Hainan Free Trade Port shall implement a negative list management system for cross-border service transactions. Domestic and foreign service providers may participate and compete equally in all sectors other than those provided by the negative list pursuant to law.

Article 16 The Hainan Free Trade Port shall support the lawful, innovative, and sound development of the digital economy, regulate unfair competition and monopolies in new business areas such as platform and shared economies, and protect fair competition in the market.

Chapter III Fair Competition Review

Article 17 The administrative agencies and organizations authorized to manage public

组织，在起草市场准入和退出、产业发展、招商引资、招标投标、政府采购、经营行为规范、资质标准等涉及市场主体经济活动的地方性法规、政府规章、行政规范性文件、其他政策性文件以及“一事一议”形式的具体政策措施时，应当体现和贯彻公平竞争原则，按照国家和本省的有关规定进行公平竞争审查，并形成书面审查结论。

涉及市场主体经济活动的地方性法规、政府规章和以政府名义印发的行政规范性文件草案，未经公平竞争审查的，不得提交政府审议；在提交政府审议前还应当向同级市场监督管理部门征求公平竞争审查意见。

第十八条 涉及市场主体经济活动的地方性法规、政府规章、行政规范性文件、其他政策性文件以及“一事一议”形式的具体政策措施实施后，制定机关或者实施机关应当依照有关规定对其影响统一市场和公平竞争的情况进行评估。经评估认为妨碍统一市场和公平竞争的，应当及时废止或者修改。

第十九条 政府及有关部门在开展公平竞争审查工作中，可以依照有关规定引入第三方评估。

第二十条 县级以上人民政府应当将公平竞争审查工作纳入营商环境、法治政府等考核评价体系。

县级以上人民政府应当建立政策措施抽查机制，重点抽查市场主体反映比较强烈、问题比较集中、滥用行政权力排除限制竞争行为多发的行业和地区的政策措施，抽查结果依法适时向社会公布。对抽查发现的排除、限制竞争问题，被抽查单位应当及时整改；未及时整改或者未达到整改要求的，依照有关规定处理。

affairs pursuant to law shall implement the principle of fair competition and conduct fair competition reviews pursuant to provisions of the state and this Province when drafting local regulations, government rules, regulatory standards, other policy documents, and specific policies and ad hoc actions involving market access and withdrawal, industrial development, investment attraction, bidding, government procurement, business practice standards, qualification standards, and other economic activities of market entities.

Local regulations, government rules, and draft administrative normative documents concerning economic activities issued on behalf of the government shall not be submitted to the government for deliberation without a fair competition review. A fair competition review from the administration for market regulation at the same level must also be obtained before such regulations, rules, or regulatory standard drafts are submitted for deliberation.

Article 18 The issuing or implementing agency shall evaluate their influence on the standardized market and fair competition pursuant to law after the implementation of local regulations, government rules, regulatory standards, other policy documents, and specific policies, or ad hoc actions relating to economic activities of market entities. Any such regulations, government rules, regulatory standards, other policy documents, specific policies, or ad hoc actions deemed to impair the market regularization and fair competition by the evaluation shall be promptly revoked or revised.

Article 19 The government and the appropriate agency may introduce a third party evaluation in accordance with applicable law when conducting a fair competition review.

Article 20 The people's government at or above the county level shall include a fair competition review when assessing and evaluating the business environment, law-based governance, and other systems.

The people's government at or above the county level shall implement an internal review plan for policies and actions, focus on policies and actions for industries and sectors which often receive complaints, have extensive problems, or abuse administrative authority to preclude or restrict competition from market entities. The results of the internal review shall be publicly announced in due course pursuant to law. Any entity found to exclude or restrict competition in the internal reviews shall promptly make the appropriate corrections, and those who fail to promptly make such corrections or fail to meet correction requirements shall be penalized pursuant to law.

第四章 影响公平竞争的行为

第二十一条 禁止经营者实施下列法律法规规定的扰乱市场竞争秩序，损害其他经营者或者消费者合法权益的不正当竞争行为：

（一）实施混淆行为，引人误认为是他人商品、服务或者与他人存在特定联系；

（二）采用财物或者其他手段贿赂以谋取交易机会或者竞争优势；

（三）直接或者帮助其他经营者对商品、服务作虚假或者引人误解的商业宣传，欺骗、误导消费者；

（四）侵犯商业秘密；

（五）从事违法有奖销售；

（六）编造、传播虚假信息或者误导性信息，损害竞争对手的商业信誉、商品声誉；

（七）利用技术手段，通过影响用户选择或者其他方式，妨碍、破坏其他经营者合法提供的网络产品或者服务正常运行；

（八）其他扰乱市场竞争秩序，损害其他经营者或者消费者合法权益的不正当竞争行为。

第二十二条 禁止经营者从事下列法律规定的垄断行为：

（一）具有竞争关系的经营者达成垄断协议或者经营者与交易相对人达成垄断协议，行业协会组织本行业的经营者达成垄断协议；

（二）具有市场支配地位的经营者从事滥用市场支配地位的行为；

（三）实施违反法律规定的具有或者可能具有排除、限制竞争效果的

Chapter IV Acts Impairing Fair Competition

Article 21 Business operators shall be prohibited from committing any of the following acts that disturb the order of market competition and infringe upon the rights of other operators or consumers as provided by laws and regulations:

(a) committing acts that mislead others to believe that they offer the products or services provided by another business operator or have a particular connection with another operator;

(b) seeking transaction opportunities or competitive advantages through bribery or other means;

(c) directly or indirectly assisting other business operators to create false or misleading commercial advertising materials for goods and services to deceive and misinform consumers;

(d) infringing upon trade secrets;

(e) engaging in illegal sales promotions;

(f) creating and sharing false or misleading information that damages competitor business or product reputation;

(g) using technical means or other means to influence user choices to impair or stop the regular operation of networked products or services legally provided by other operators; or

(h) committing other acts that disrupt the market competition order and infringe upon the rights of other operators or consumers.

Article 22 Business operators shall be prohibited from engaging in any of the following monopolistic practices as provided by law:

(a) entering into monopoly agreements with competing business operators or transaction counterparties, or the industry association coordinates the operators in the same industry to enter into monopoly agreements;

(b) abusing the business operator's dominant market position;

(c) implementing the specific actions that may illegally exclude, restrict, or may exclude or restrict competition; or

经营者集中；

（四）法律规定禁止经营者从事的其他垄断行为。

第二十三条 行政机关和法律、法规授权的具有管理公共事务职能的组织不得滥用行政权力实施下列排除、限制竞争行为：

（一）限定或者变相限定单位或者个人经营、购买、使用其指定的经营者提供的商品或者服务；

（二）妨碍商品或者服务在地区之间的自由流通；

（三）排斥或者限制经营者参加招标投标、土地使用权出让、工程建设、房地产开发、金融信贷、物资采购等经济活动；排斥或者限制外地经营者在本地投资或者设立分支机构；

（四）强制或者变相强制经营者从事法律规定的垄断行为；

（五）制定、发布含有排除、限制竞争内容的涉及市场主体经济活动的政府规章、行政规范性文件、其他政策性文件以及“一事一议”形式的具体政策措施；

（六）其他滥用行政权力排除、限制竞争行为。

第五章 对影响公平竞争行为的调查

第二十四条 县级以上人民政府市场监督管理部门及有关主管部门应当严格按照法律法规和部门职责规定，落实监管责任，对涉嫌影响公平竞争的行为进行调查。

举报影响公平竞争的行为，采用书面形式并提供相关事实和证据的，县级以上人民政府市场监督管理部门及有关主管部门应当依法及时处理。

(d) committing other monopolistic acts provided by law.

Article 23 The administrative agencies and organizations authorized by laws and regulations to manage public matters shall not abuse their administrative power to exclude or restrict competition as follows:

(a) explicitly or implicitly require entities or individuals to operate, purchase, or use products or services provided by designated operators;

(b) hindering the free, inter-regional circulation of products or services;

(c) excluding or restricting business operators from participating in bidding, land use rights grants, construction projects, real estate development, financing, procurement, and other economic activities; excluding or restricting foreign business operators from investing or setting up local offices;

(d) explicitly or implicitly forcing operators to engage in monopolistic acts provided by law;

(e) issuing and publishing government rules, regulatory standards, other policy documents, and specific policies and ad hoc actions involving economic activities of market entities and excluding and restricting competition; or

(f) other acts involving the abuse of administrative power to exclude or restrict competition.

Chapter V Investigating Acts Infringing Upon Fair Competition

Article 24 The market regulation agency of the people's government at or above the county level and the appropriate agencies shall abide by laws and regulations and agency responsibilities when performing their oversight responsibilities and investigating acts suspected of impairing fair competition.

The market regulation agency of the people's government at or above the county level and the appropriate agencies shall promptly resolve any reports of acts suspected of impairing fair competition made in writing and supported by appropriate documentation and information.

第二十五条 单位和个人认为政府规章、行政规范性文件、其他政策性文件以及“一事一议”形式的具体政策措施未进行公平竞争审查或者违反审查标准出台的，可以向制定机关反映，也可以向备案审查机关提出审查要求或者审查建议，或者向制定机关的上级机关、市场监督管理部门举报，有关部门应当及时处理。核实存在未进行公平竞争审查或者违反审查标准出台政策措施行为的，制定机关应当及时进行整改，并依法向社会公开。涉嫌违反《中华人民共和国反垄断法》的，由反垄断执法机构依法调查。

单位和个人认为地方性法规违反公平竞争原则的，可以依法向备案审查机关提出审查要求或者审查建议。

第二十六条 县级以上人民政府市场监督管理部门及有关主管部门在调查过程中，应当保障被调查的经营者、利害关系人的陈述权和申辩权，并在法律法规规定的时限内完成调查；法律法规没有规定调查时限的，调查应当在合理期限内完成。

县级以上人民政府市场监督管理部门及有关主管部门在调查过程中，可以采取约谈被调查的经营者等方式，依法进行告诫并提出整改要求。

第二十七条 县级以上人民政府市场监督管理部门及有关主管部门调查涉嫌影响公平竞争的行为，可以依照有关规定采取下列措施：

- （一）进入涉嫌影响公平竞争行为的经营场所进行检查；
- （二）询问被调查的经营者、利害关系人及其他有关单位、个人，要求其说明有关情况或者提供与被调查行为有关的其他资料；
- （三）查询、复制与涉嫌影响公平竞争行为有关的协议、账簿、单据、文件、记录、业务函电和其他资料；

Article 25 Entities or individuals deeming government rules, regulatory standards, administrative normative documents, other policy documents, and specific ad hoc policies or actions issued have not gone through fair competition review or violate the review standards may submit a report to the issuing agency, request review, or offer review recommendations to the filing and review agency, or report to a higher level of the issuing agency and the market regulation agency. The appropriate agencies shall promptly manage such and the issuing agency shall promptly correct and announce such pursuant to law if the appropriate agencies confirm that the issuance of such have not gone through fair competition review or violate the review standards. Anyone suspected of violating the Anti-Monopoly Law of the People's Republic of China shall be investigated by anti-monopoly law enforcement agencies pursuant to law.

Where the entities or individuals believe that local regulations violate the principle of fair competition, they may request review or offer review recommendations to the filing and review agency pursuant to law.

Article 26 The market regulation agency of the people's government at or above the county level and the appropriate agencies shall, ensure the investigated operators' and stakeholders' rights to representation and defense during the investigation, and complete the investigation within the time limit provided by laws and regulations; the investigation shall be completed within a reasonable time limit where the law does not provide a time limit for the investigation.

The market regulation agency of the people's government at or above the county level and the appropriate agencies may issue warnings to the operators and recommend corrections during the investigation through interviews and other methods pursuant to law.

Article 27 The market regulation agency of the people's government at or above the county level and the appropriate agencies may take the following actions in accordance with the regulations when investigating acts suspected of impeding fair competition:

(a) entering and inspecting the premises of the business suspected of impairing fair competition;

(b) questioning the operators, stakeholders, and other entities and individuals, and requiring them to provide information or other materials related to the acts being investigated;

(c) inquiring about and copying agreements, account books, bills, documents, records, business correspondence, and other materials related to the acts suspected of impairing fair competition;

(四) 查封、扣押与涉嫌影响公平竞争行为有关的财物；

(五) 查询涉嫌影响公平竞争行为的经营者的银行账户；

(六) 法律、法规规定的其他措施。

第二十八条 县级以上人民政府市场监督管理部门及有关主管部门对涉嫌影响公平竞争行为的调查，确需公安机关协助的，公安机关应当依法予以配合。

调查涉嫌影响公平竞争的行为，被调查的经营者、利害关系人及其他有关单位、个人不得拒绝、阻碍执法机构的调查。

第二十九条 监察机关、人民法院、人民检察院、行政执法机关在办理案件过程中，发现涉嫌影响公平竞争行为线索的，可以将线索移交县级以上人民政府市场监督管理部门及有关主管部门。县级以上人民政府市场监督管理部门及有关主管部门应当依法处理。

第六章 法律责任

第三十条 行政机关和法律、法规授权的具有管理公共事务职能的组织及其工作人员在公平竞争监督管理工作中滥用职权、玩忽职守、徇私舞弊的，依法给予处分；构成犯罪的，依法追究刑事责任。

第三十一条 行政机关和法律、法规授权的具有管理公共事务职能的组织滥用行政权力，实施排除、限制竞争行为的，由上级机关责令改正，并对直接负责的主管人员和其他直接责任人员依法给予处分。

县级以上人民政府市场监督管理部门可以向有关上级机关提出依法处理的建议。

(d) seizing or confiscating assets related to acts suspected of impairing fair competition;

(e) inquiring about the bank accounts of operators suspected of impairing fair competition;

or

(f) other actions provided by laws and regulations.

Article 28 Where the market regulation agency of the people's government at or above the county level and the appropriate agencies require assistance from public security agencies when investigating acts suspected of impairing fair competition, the public security agency shall cooperate pursuant to law.

Where the acts suspected of impairing fair competition are under investigation, the business operators, stakeholders, and other entities and individuals shall not refuse or impede the law enforcement agencies in their investigation.

Article 29 Where the supervisor commission, people's courts, people's procuratorates, and administrative law enforcement agencies find evidence of acts suspected of impairing fair competition when managing cases, they may hand over such evidence to the market regulation agency of the people's government at or above the county level and the appropriate agencies. The market regulation agency of the people's government at or above the county level and the appropriate agencies shall manage such pursuant to law.

Chapter VI Legal Liability

Article 30 Any administrative agencies or organizations authorized by laws and regulations to manage public affairs or their employees who abuse of position, commit dereliction of duty, or play favoritism and commit irregularities in the oversight and administration of fair competition shall be penalized pursuant to law. Those committing crimes shall be held criminally liable pursuant to law.

Article 31 Administrative agencies or organizations authorized by laws and regulations to administrate public affairs abuse their administrative power and commit acts that exclude or restrict competition shall be ordered to make corrections by their higher-level agencies, and the person directly in charge and other directly liable employees shall be penalized pursuant to law.

The market regulation agency of the people's government at or above the county level may submit penalty recommendations to the appropriate higher-level agency pursuant to law.

第三十二条 对于破坏竞争秩序、损害消费者合法权益的行为，消费者可以依法举报或者提起诉讼。

影响公平竞争的行为侵害众多消费者合法权益的，法律规定的机关和有关组织可以依法向人民法院提起公益诉讼，各级市场监督管理部门依法给予支持。

第三十三条 有本条例规定的违法行为的，依照有关规定纳入公共信用信息，依法予以公示；对严重失信企业和个人，由有关部门依照有关规定予以惩戒。

第三十四条 违反本条例规定的行为，本条例未设定处罚但其他法律、法规已设定处罚规定的，依照有关法律、法规的规定处罚；有关法律、法规的规定严于本条例的，依照有关法律、法规的规定执行。

第七章 附 则

第三十五条 本条例自 2022 年 1 月 1 日起施行。

Article 32 Consumers may report or bring litigation against acts that disrupt the order of competition or infringe upon consumer rights pursuant to law.

Where acts impairing fair competition infringe upon the legal rights of many consumers, the authorities and appropriate organizations as provided by law may file public interest litigation in the people's court pursuant to law, and the market regulation agencies at all levels shall provide support pursuant to law.

Article 33 Any illegal act provided in these Regulations shall be included in the public credit information system pursuant to applicable regulations and announced pursuant to law; those entities and individuals on the list of untrustworthy entities shall be penalized by the appropriate agencies pursuant to law.

Article 34 Where other laws and regulations provide penalties for violations of these Regulations not provided in these Regulations, or provide more severe penalties than these Regulations, such laws and regulations shall control.

Chapter VII Supplementary Provision

Article 35 These Regulations shall come into force as of January 1, 2022.

