

**海南自由贸易港免税购物失信惩戒
若干规定**

**Several Provisions of Hainan Free Trade Port on
Duty-Free Shopping Untrustworthy Acts
Penalties**

海南自由贸易港免税购物失信惩戒 若干规定

(2021年12月1日海南省第六届人民代表大会常务委员会
第三十一次会议通过)

第一条 为了预防和惩戒海南自由贸易港免税购物严重失信行为，根据《中华人民共和国海南自由贸易港法》《海南自由贸易港社会信用条例》等法律、法规和国家有关规定，结合海南自由贸易港实际，制定本规定。

第二条 反走私综合治理工作牵头部门负责免税购物严重失信主体的认定工作。

海关、海警依法履行失信惩戒相关职责。

公安、发展改革、市场监督管理、交通运输、商务、邮政管理、人民银行、人民法院等有关部门和单位，应当按照各自职责做好免税购物信用监管和失信惩戒相关工作。

第三条 自然人、法人和非法人组织违反海南离岛旅客免税购物、海南岛内居民消费的“零关税”进境商品等有关监管规定，有下列情形之一的，列入免税购物严重失信主体名单：

(一) 构成犯罪，被处以刑罚或者免于刑事处罚的；

(二) 被处以行政处罚且情节严重或者被处以两次及以上行政处罚的；

(三) 其他违反免税购物监管规定，依照法律、法规以及国家相关政策规定应当列入免税购物严重失信主体名单的。

Several Provisions of Hainan Free Trade Port on Duty-Free Shopping Untrustworthy Acts Penalties

(Adopted at the 31st Session of the Standing Committee of the 6th Hainan Provincial People's Congress on December 1, 2021)

Article 1 These Provisions are enacted pursuant to the Hainan Free Trade Port Law of People's Republic of China, Regulations of Hainan Free Trade Port on Social Credit, and other laws, regulations and state provisions combined with the actual circumstances in the Hainan Free Trade Port to prevent and penalize material violations when purchasing duty-free products in the Hainan Free Trade Port.

Article 2 The leading coordinated anti-smuggling agency shall be responsible for identifying untrustworthy entities for duty-free shopping.

Customs and maritime police agencies shall perform duties related to penalties for violations pursuant to law.

The agencies in public security, development and reform, market regulation, transportation, commerce, and postal administration, together with the people's bank and the people's courts shall be responsible for duty-free shopping credit oversight and penalties for violations in compliance with their duties.

Article 3 Any individual, juristic person, or unincorporated entity that violates duty-free shopping regulations for tourists leaving Hainan or regulations for duty-free imported goods used by Hainan residents shall be added to the list of untrustworthy entities for duty-free shopping under any of the following circumstances:

- (a) he has committed a crime and has been penalized or exempt from criminal penalties;
- (b) he has been assessed administrative penalties for major untrustworthy acts, or has been assessed two or more administrative penalties; or
- (c) he has been listed as untrustworthy entities pursuant to law and applicable national policies due to violating other duty-free shopping regulations.

第四条 因违反免税购物监管规定被处以行政处罚或者刑罚以及免于刑事处罚的，海关、海警、市场监督管理、交通运输和人民法院等部门和单位，应当在行政处罚决定书或者司法裁判文书生效之日起十五日内将相关信息推送至县级以上人民政府反走私综合治理工作牵头部门。

第五条 海南自由贸易港免税购物严重失信主体名单，由县级以上人民政府反走私综合治理工作牵头部门按照国家和本规定确定的标准认定，并将经认定的免税购物严重失信主体名单告知同级人民政府发展改革、市场监督管理等相关管理部门，失信自然人所在单位及有关金融机构和企业。

县级以上人民政府发展改革、市场监督管理部门应当在信用中国（海南）、国家企业信用信息公示系统（海南）等网站上公示严重失信主体名单，公示期三年。

第六条 对列入免税购物严重失信主体名单的法人和非法人组织，有关机关和单位应当在公示期内对其实施以下惩戒措施：

（一）约谈其主要负责人；

（二）列为重点监管对象，加大日常监管和查验力度，提高随机抽查的比例和频次；

（三）限制参与政府投资或者政府与社会资本合作的建设项目，或者予以提高保证金比例；

（四）在行政管理和公共服务中，不适用告知承诺制等便利措施、不享受守信激励措施；

（五）限制享受政府优惠政策支持、限制申请财政性资金项目；

（六）在公共资源交易中予以信用减分、降低信用等级；

Article 4 Where an administrative penalty or criminal penalty is imposed for violation of duty-free shopping oversight regulations, or the entity is exempt from criminal penalty, the customs, maritime police, market regulation, transportation, people's court, and other agencies shall notify the leading anti-smuggling administrative agency of the people's government at or above the county level within 15 days of the date on which the decision to impose the administrative penalty or court judgment comes into force.

Article 5 The list of untrustworthy entities in the Hainan Free Trade Port shall be determined by the leading coordinated anti-smuggling administrative agency of the people's government at or above the county level in compliance with the standards and these Provisions, and the development and reform and market regulation agencies of the people's government at the same level, the individual's employer, and related financial institutions and businesses shall be notified of the determined list.

The development and reform and market regulation agencies of the people's governments at or above the county level shall publish the list online, including on websites such as Credit China (Hainan) and the National Enterprise Credit Information Publicity System (Hainan) for 3 years.

Article 6 The appropriate agencies and entities shall implement the following disciplinary action and penalties within the publication period for those juristic persons or unincorporated entities listed as untrustworthy entities for duty-free shopping:

- (a) meet with the main person in charge;
- (b) list the entities as the main entity subject to oversight, improve daily oversight and inspections, and increase the proportion and frequency of random inspections;
- (c) restrict the entities from participating in construction projects invested by the government or collaborations between the government and private sector, or increase the deposit amount;
- (d) the entity shall not be entitled to benefit from acknowledgment or compliance incentives during administration and public service;
- (e) restrict the entities from benefiting from government preferential policy support and applying for public funding;
- (f) lower the entity's credit score and downgrade their credit level in public resource transactions;

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- (七) 限制参与表彰奖励、取消参加评先评优资格、撤销相关荣誉；
 - (八) 依照国家纳税信用管理的有关规定进行税收管控；
 - (九) 法律、法规规定的其他措施。

第七条 对列入免税购物严重失信主体名单的自然人，有关机关和单位应当在公示期内对其实施以下惩戒措施：

- (一) 不得享受免税购物政策；
- (二) 在日常监管中列为重点监管对象，在其离开海南自由贸易港时作为重点查验对象；
- (三) 不得从事免税商品经营相关工作；
- (四) 取消其评优、评奖、获得荣誉称号、推荐保送升学等资格，并按照所在单位有关规定予以处理；
- (五) 在行政管理和公共服务中，不适用告知承诺制等便利措施、不享受守信激励措施；
- (六) 法律、法规规定的其他措施。

第八条 征信机构可以依法采集免税购物严重失信行为信息，并向金融机构提供查询。

商业银行、保险公司和证券公司等金融机构可以按照风险定价原则，对免税购物严重失信主体提高贷款利率、财产保险费率和交易佣金，或者依法限制向其提供贷款、保险、保荐、承销等服务。

第九条 免税购物失信信息归集、共享、公开、异议处理和信用修复等工作，按照《海南自由贸易港社会信用条例》有关规定办理。

第十条 本规定自 2022 年 1 月 1 日起施行。

(g) restrict the entity's participation in awards and rewards and cancel their eligibility to participate in excellence evaluations and awards;

(h) subject the entity to tax controls pursuant to applicable national tax credit management regulations; and

(i) other measures provided by laws and regulations.

Article 7 The agencies and entities shall implement the following disciplinary actions and penalties within the publication period for those individuals listed as untrustworthy entities for duty-free shopping:

(a) restrict the entity from benefiting from duty-free shopping policies;

(b) list the entity as the main entity subject to routine oversight, and shall be regarded as the main entity subject to inspection when leaving the Hainan Free Trade Port;

(c) the entity shall not be permitted to participate in business related to duty-free products;

(d) revoke the entity's qualification to participate in awards, rewards, and further education award and commendation evaluation shall be revoked and manage the violation in compliance with its employer's related guidelines;

(e) the entity shall not be entitled to benefit from acknowledgment or compliance incentives during administration and public service; and

(f) other measures provided by laws and regulations.

Article 8 Credit investigation institutions may collect information on material duty-free shopping violations pursuant to law and provide inquiry access for financial institutions.

Commercial banks, insurance companies, securities companies, and other financial institutions may increase loan interest rates, property insurance premium rates, and trading commission rates based on risk-based pricing for any entity that commits material duty-free shopping violations or restrict such entities from acquiring loans, guarantees, underwriting, insurance, and other services pursuant to law.

Article 9 The collection, sharing, disclosure, objection resolution, and credit restoration for duty-free shopping penalties shall be conducted pursuant to the Regulations of Hainan Free Trade Port on Social Credit.

Article 10 These Provisions shall come into force as of January 1, 2022.

