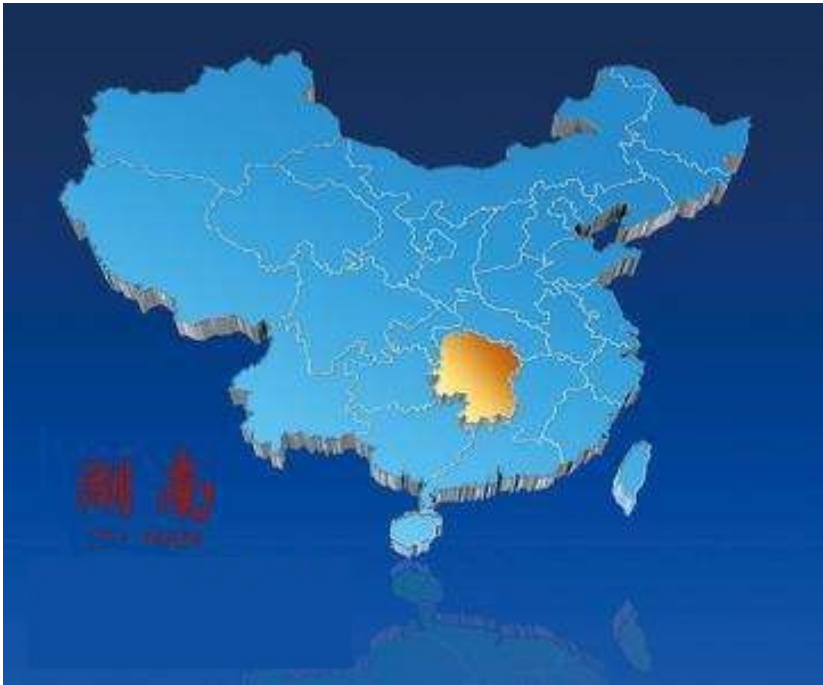


# **Work Progress of Fair-Competition Review (FCR) in Province Hunan**

---

Provincial Bureau of Price Supervision  
and Anti-Monopoly of Hunan

# Location of Hunan Province



# Steps of publishing opinions on implementation of fair-competition review (FCR) system in Hunan

The State Council issued on June 1, 2016 the “Opinions on establishing a Fair-Competition Review System during the construction of the market system”

On July 13, Deputy Secretary General of the general office of the provincial government called on a coordination meeting with 4 provincial organizations, namely the DRC, Legal Dep., Commerce Dep. and Economic and Commerce Dep.; a complete program was formulated to implement the FCR system.

The Provincial Bureau reported to the Provincial DRC and the provincial government and has attracted intensive attention and strong supports from the officials.

On August 26, “Opinions from the General Office of Hunan People’s Government on implementing the Fair-Competition Review System during the construction of the market system” was issued

On November 18, the Provincial Joint Meeting System for FCR was established in Hunan

# I. Setting up the review system, improving the review procedure

## Issuing opinions on implementation

- Opinions from the General Office of Hunan People's Government on implementing the Fair-Competition Review System during the construction of the market system.

## Joint Meeting system for FCR

- General Office of the provincial government issued "Approval of establishment of Provincial Joint Meeting System for FCR in Hunan" and officially established of the Provincial Joint Meeting System for FCR of Hunan.

## Defining concrete works of FCR

- The Joint Meeting published the "Notice on concrete works of FCR" and designed and published the "opinion form for FCR".

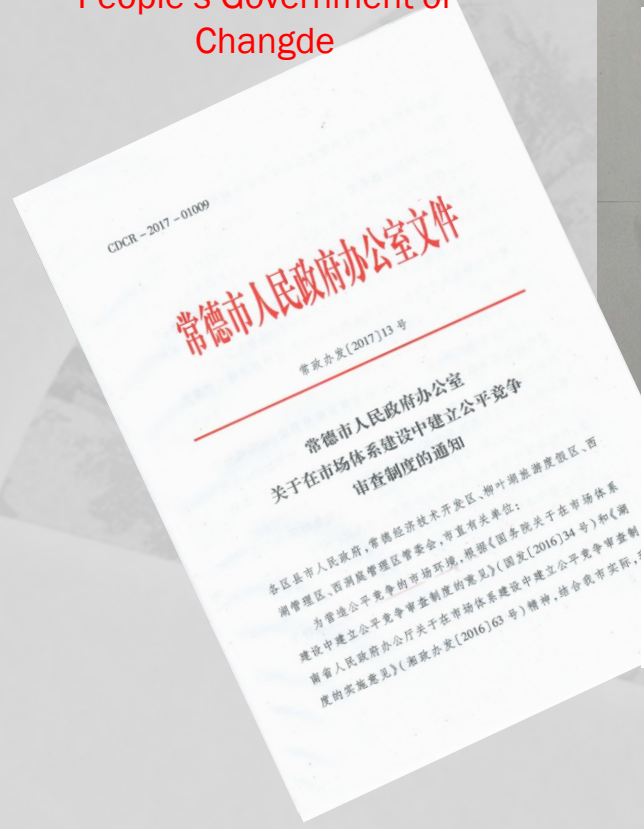
## Improving Management System

- "Provincial Joint Meeting System for FCR of Hunan"; "Administrative Measures for Assessment of FCR of Hunan Province"; "Assessment Methods by Third-party on FCR of Hunan Province".

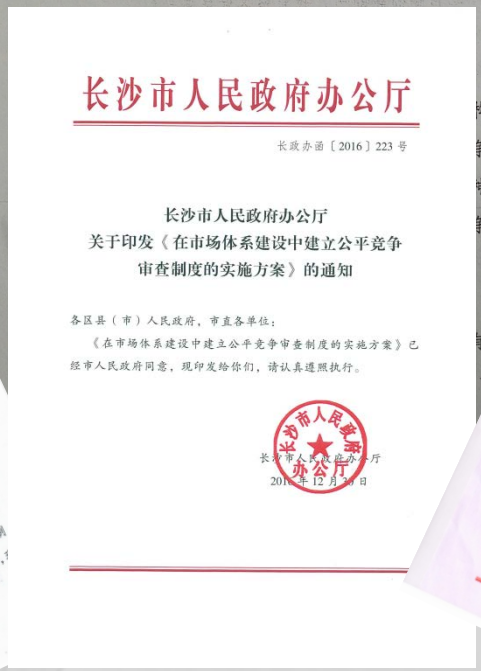


# I. Setting up the review system, improving the review procedure

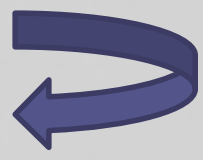
Document of the General Office of the Municipal People's Government of Changde



General Office of the Municipal People's Government of Changsha

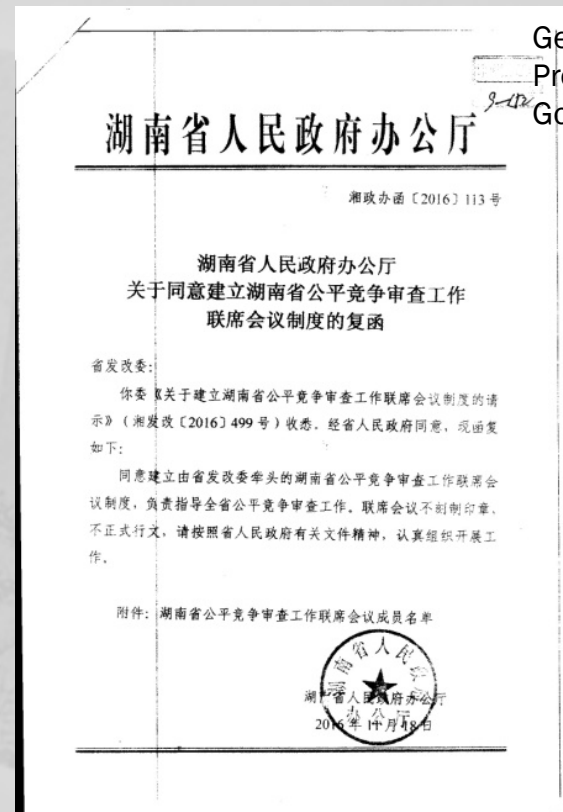


General Office of the Municipal People's Government of Yiyang

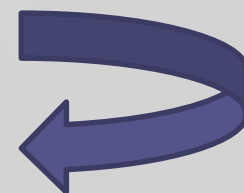


# I. Setting up the review system, improving the review procedure

On November 18, the Joint Meeting system for FCR, led by the provincial DRC, was established in Hunan. The Joint Meeting consists of 14 business-linked governmental departments. The office of Joint Meeting is located inside the building of the Provincial Bureau of Price Supervision and Anti-Monopoly of Hunan, attached to the Provincial DRC. The Provincial Bureau is responsible for coordination and guidance the propagating the FCR system in the whole province. Each of the 14 cities has published its own local “opinions on implementation of FCR” and set up the Join Meeting system.



General Office of the  
Provincial People's  
Government of Hunan



# I. Setting up the review system, improving the review procedure

## \* Drawing up the review forms as a reference

附件 1: 规范性文件合法性审查和公平竞争审查报告格式

### 关于《 》的合法性审查和 公平竞争审查意见

厅(局/委/办)务会议:

厅(局/委/办)处起草的《 》(送审稿)已经我处审查,现将有关情况报告如下:

#### 一、审查过程

(对合法性审查和公平竞争审查过程的描述)

#### 二、合法性审查意见

对制定主体、制定权限、制定程序是否合法作出审查确认,并按照下列规定提出处理意见:

(一)属于制定机关法定职权范围、制定程序已依法履行、文件内容合法的,可以制定该文件;

(二)超越职权,或者内容严重违法的,建议不制定该文件;

(三)未履行制定程序或者履行程序不符合规定的,建议补正或者重新履行相关程序;

(四)部分内容不合法的,建议修改完善。

#### 三、公平竞争审查意见

对文件中有关市场准入、产业发展、招商引资、招标投标、

附件 2:

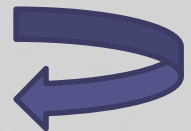
### 公平竞争审查意见表

文件/合同名称				
文件/合同编号	拟稿处室		拟稿人	
拟稿日期	文件密级		发放范围	
文件主要内容				
拟稿部门意见	拟稿人: 年 月 日	部门负责人: 年 月 日	主管领导: 年 月 日	
审查部门意见	审查人: 年 月 日	部门负责人: 年 月 日	主管领导: 年 月 日	
审查结果	年 月 日			
备注				

注: 1. 本单位自行审批的文件使用本表。

2. 是否存在湖南省人民政府办公厅《关于在市场体系建设中建立公平竞争审查制度的实施意见》第二条第三款第5项规定的例外情况,请在备注栏详细说明。

3. 审查标准见背面。



# Improving the Management System

## 湖南省公平竞争审查第三方评估办法

### 第一章 总 则

第一条 为加强对我省公平竞争制度执行情况、效果和社会影响的跟踪评估,形成更加全面、专业、客观的评估机制,推动全省公平竞争审查工作取得切实成效,根据《国务院关于在市场体系建设中建立公平竞争审查制度的意见》(国发〔2016〕34号)和《湖南省人民政府关于在市场体系建设中建立公平竞争审查制度的实施意见》(湘政办发〔2016〕63号)文件精神,制定本办法。

第二条 本办法所称的第三方评估,是指省公平竞争审查联席会议委托独立于评估对象的机构、组织或个人,运用科学、系统、规范的评估方法,对公平竞争审查工作进行评估,并提出意见建议的活动。

第三条 第三方评估坚持依法依规、公开透明、规范、公平公正、客观求实原则,做到独立、专业 and 客观。

### 第二章 评估对象和内容

第四条 本办法适用于全省有制定市场准入、产品和服务标准、招标投标、政府采购、经营行为规范、资质准入等涉及市场主体经济活动的规章、规范性文件和其他

## 湖南省公平竞争审查工作考核管理办法

(征求意见稿)

第一条 为有效推进我省公平竞争审查工作,规范行为,逐步建立统一开放、竞争有序的市场体系,根据《国务院关于在市场体系建设中建立公平竞争审查制度的意见》(国发〔2016〕34号)和《湖南省人民政府办公厅关于在市场体系建设中建立公平竞争审查制度的实施意见》(湘政办发〔2016〕63号),制定本办法。

第二条 考核工作坚持客观公正、科学规范、突出重点的原则。

第三条 考核对象为我省各级行政机关以及法律授权的具有管理公共事务职能的组织。

第四条 考核内容为考核对象制定的涉及市场主体的规章、规范性文件和其他政策措施的公平竞争情况以及公平竞争审查工作的开展情况,主要包括健全审查制度、存量清理和其他相关工作四个方面,具体考核指标见附件,相关考核指标及分值可根据考核工作进行适当调整。

第五条 湖南省公平竞争审查联席会议(以下简称

## 湖南省公平竞争审查工作联席会议制度

为保证公平竞争审查工作的顺利开展,根据《湖南省人民政府办公厅关于在市场体系建设中建立公平竞争审查制度的实施意见》(湘政办发〔2016〕63号)和《湖南省人民政府办公厅关于同意建立湖南省公平竞争审查工作联席会议制度的复函》(湘政办函〔2016〕113号),制定湖南省公平竞争审查工作联席会议制度:

### 一、联席会议成员单位

(一)省发改委、省司法厅、省商务厅、省工商局、省财政厅、省国资委、省经信委、省住建厅、省国土厅、省交通运输厅、省环保厅、省质监局、省科技厅、省卫计委。

(二)各成员单位有关分管领导为联席会议成员,参与全省公平竞争审查制度实施的指导、推进工作;各成员单位内部责任机构负责人组织本部门、本系统公平竞争审查工作;各成员单位确定一名联络员,负责与其他成员单位的工作联系与沟通协调。

(三)联席会议办公室设省发改委,承担联席会议日常工作。

### 二、联席会议职责

(一)负责统筹协调和指导推进全省公平竞争审查制度实



## II. Equal Focus on Procedure and Actual Effects, Carrying out Documental Reviews

- \* **Strict reviews on new governmental documents, based on the requirements**
- \* [Legal Affairs Office of the Provincial Government](#): strict controls on normative documents. Any document that did not go through FCR cannot be accepted.
- \* [Provincial DRC](#): has made the FCR implementation one of the this year's major tasks and hosted several meetings and emphasized job responsibilities.
- \* Provincial Bureau for Industry and Commerce: has collected many typical fair competition cases and enlarged the effects of FCR works.
- \* Provincial Department of Finance: has integrated the FCR works into the national development plan of lawful finance; and willingly conducted fair-competition reviews on new projects and finances declarations.



# Review Procedure of Normative Documents

Document is sent to the Legal Affairs Office by the drafting organization

Legality Review

Fair Competition Review



Control by Legal Affair Office

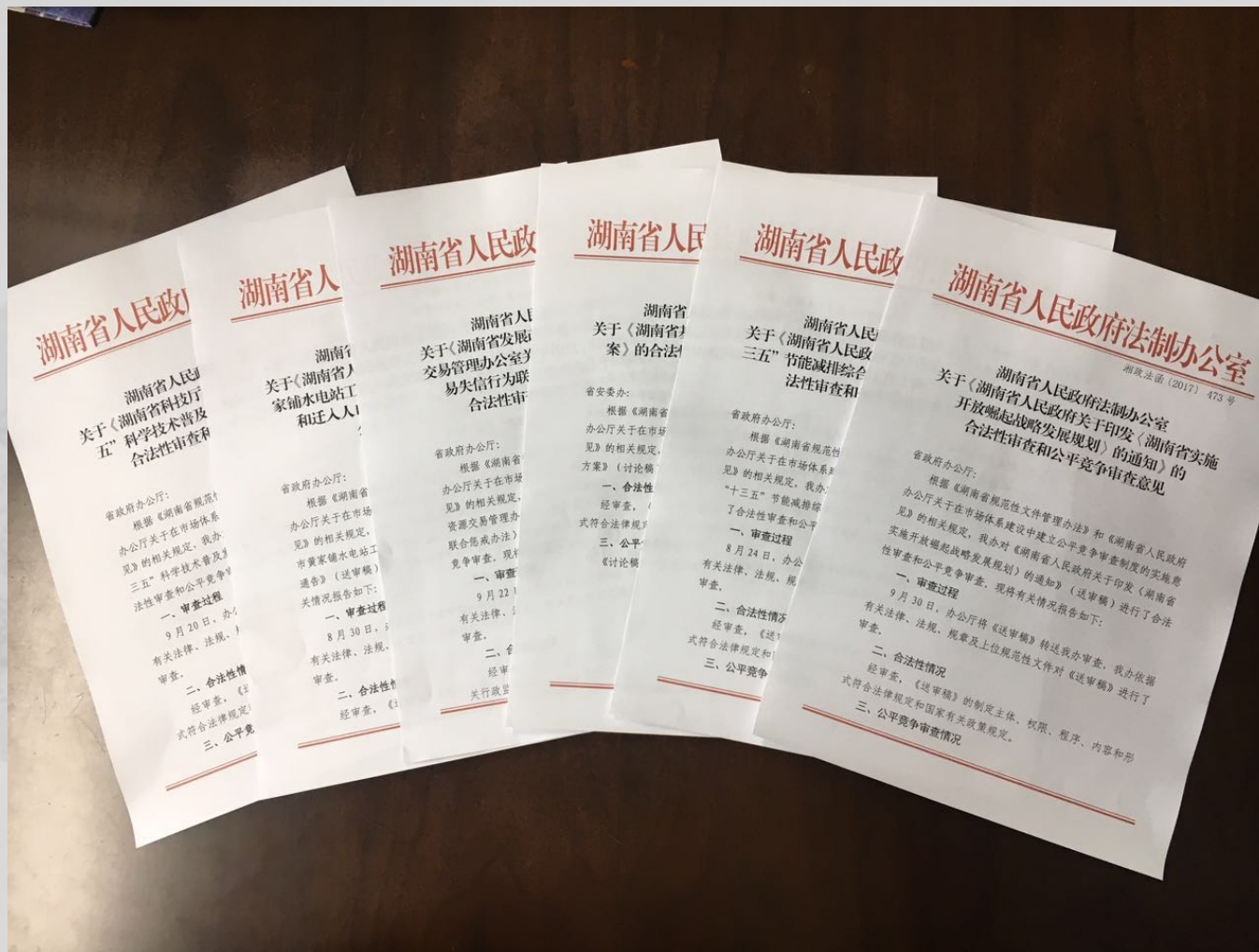
With FCR opinions (Acceptance)

Without FCR opinions (Sending back)



Issue Review Opinions

# Opinions on Reviews from the Legal Affair Office



# Provincial DRC defining the Internal Responsibilities of FCR

## 湖南省发展和改革委员会文件

湘发改法规〔2017〕679号

### 湖南省发展和改革委员会 关于印发《湖南省发展和改革委员会 规范性文件管理办法》的通知

机关各处室、委属各单位：

为规范我委规范性文件制定工作，严格依法行政，根据《湖南省行政程序规定》、《湖南省规范性文件管理办法》等规定，我们制定了《湖南省发展和改革委员会规范性文件管理办法》，已经委务会讨论通过，现印发给你们，请遵照执行。

附件：《湖南省发展和改革委员会规范性文件管理办法》

湖南省发展和改革委员会

2017年7月21日

湖南省发展和改革委员会办公室

2017年7月21日印发

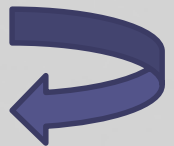
— 1 —

照《湖南省行政程序规定》的规定，适用重大行政决策程序。  
根据要求履行向社会征求意见、专家论证、听证等程序。

**第十一条** 制定规范性文件，必须通过合法性审查、公平竞争审查和廉洁性评估。法规处负责合法性审查和公平竞争审查工作，廉洁性评估意见由驻委纪检组或机关纪委出具。

**第十二条** 法规处根据实际情况对下列事项进行合法性审查和公平竞争审查：

- (一) 本机关是否具有相应法定权限；
- (二) 是否确有必要制定该规范性文件，条件是否成熟；
- (三) 需要报省政府批准的，是否已报批；





## II. Equal Focus on Procedure and Actual Effects, Carrying out Documental Reviews

All local governmental entities have started fair competition reviews on the existing documents, combining with a clean-up of normative documents once every two years. A bunch of official documents containing the contents that hampered fair competition were either abolished or revised.

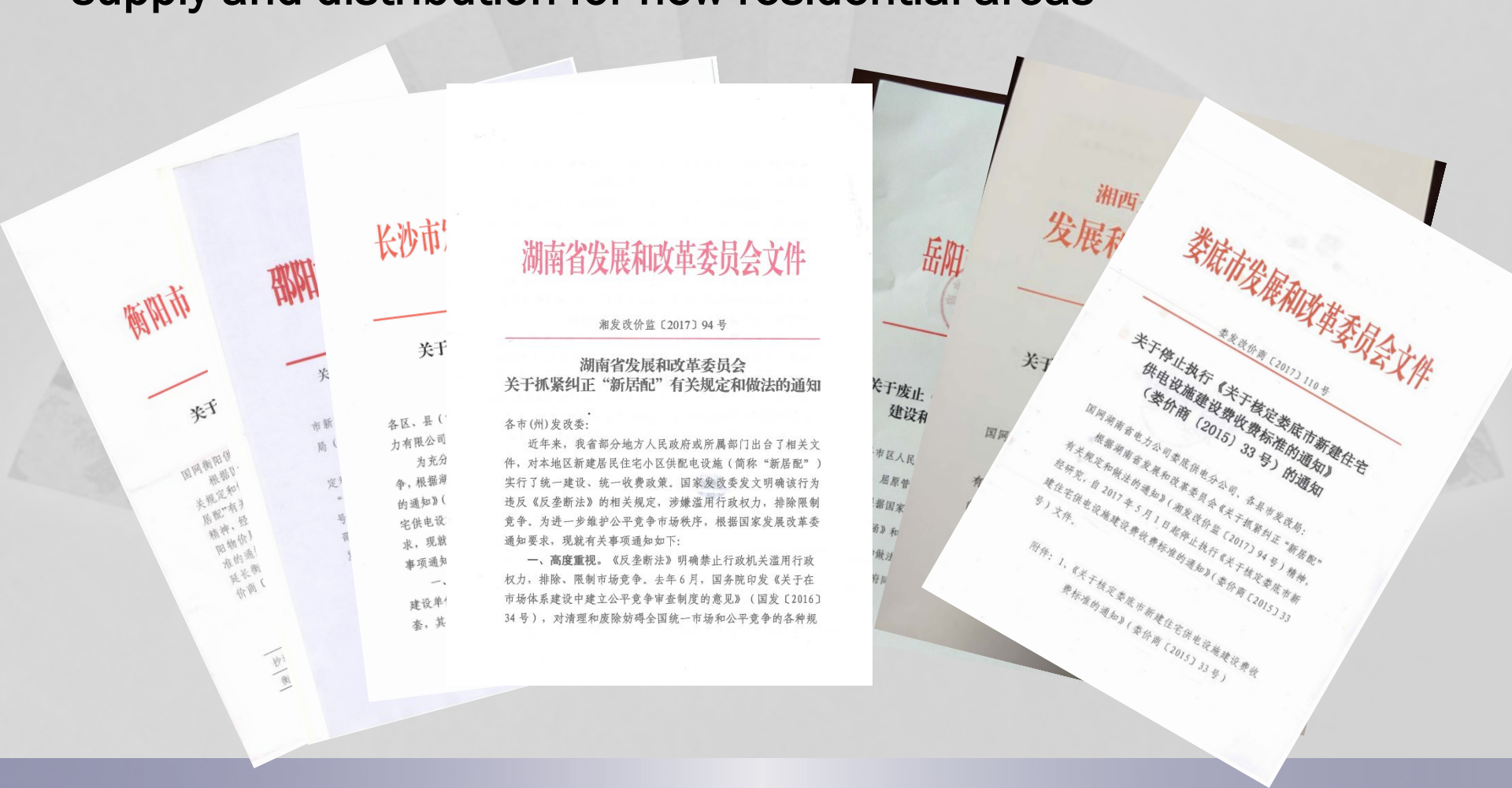
### Principle:

The policy-, measure- and document-maker itself is responsible for the clean-up.

Based on the FCR criteria, to properly and orderly clean up and/or abolish the existing policies and measures that tamper fair competition and integrated market.

## II. Equal Focus on Procedure and Actual Effects, Carrying out Documental Reviews

- \* Thorough clean-up and rectification of the provisions on power supply and distribution for new residential areas



### III. Intensifying Professional Training & Cultivating Fair Competition Culture



On November 17, 2016 the Provincial DRC organized a conference on training and promotion of the FCR implementation was held.

Ms. Qing LI, Duputy DG of the Bureau for Price Supervision and Anti-monopoly of the NDRC was specially invited for the Meeting. She delivered a speech on the State Council Document No 34: concrete requirements on operational norms of the FCR task.



### III. Intensifying Professional Training & Cultivating Fair Competition Culture



Trainings in different forms are organized at the municipal and county level. Officials from the Provincial DCR are invited to deliver speeches on implementation of the FCR and its measures.

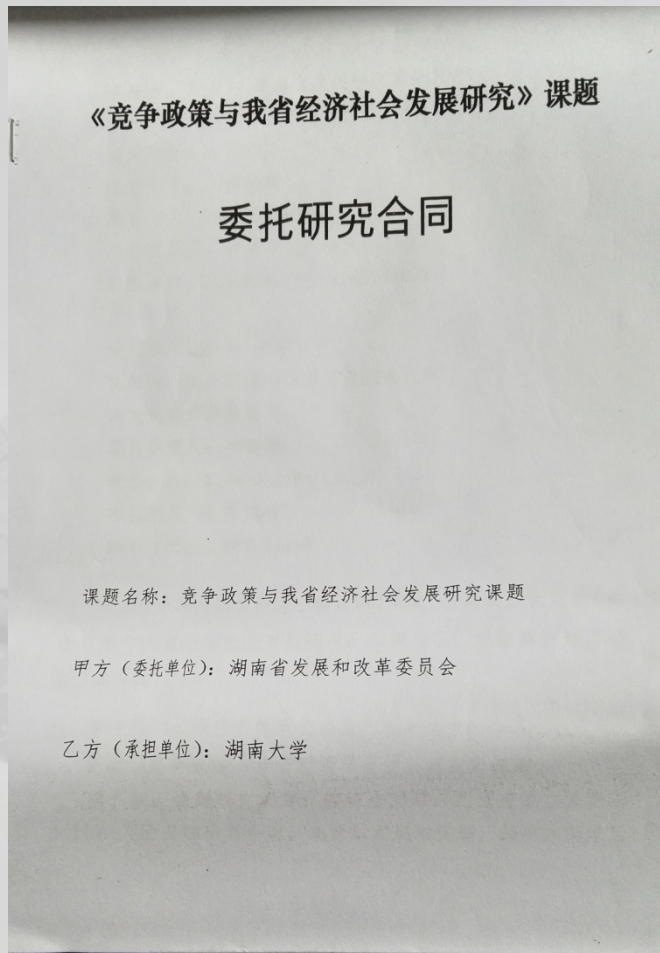


# III. Intensifying Professional Training & Cultivating Fair Competition Culture

- \* **To Cultivate fair competition culture**
  - \* The Exchange Centre for Public Resources of our province has worked together with that of Hubei, Anhui and other provinces to realize long-distance e-assessment, cross-assessment and exchange of experts, and broken the regional barriers and moved towards a unified market.



## IV. Utilizing extern expertise and conducting third-party assessment



### 湖南省规范性文件公平竞争 审查研究报告

湖南大学竞争政策研究中心  
2017年3月

## IV. Utilizing extern expertise and conducting third-party assessment

Nr	Organization	# reviews	# of problem cases
1	Provincial Gov.	295	5
2	General Office	403	4
3	Provincial DRC	182	12
4	Provincial Education Dep.	82	0
5	Provincial Tech & Science Dep.	29	0
6	Commission for Economy & Informatization	73	5
7	Ethnic Affairs Commission	3	0
8	Provincial Civil Affairs Dep.	29	0
9	Provincial Justice Dep.	44	0
10	Provincial Finance Dep.	346	16
11	Provincial HR Dep.	39	0
12	Provincial Dep. for Land & Resources	145	4

13	Provincial Dep. Of Environmental Protection	96	0
14	Provincial Dep. of Housing & urban-rural Dev.	34	2
15	Provincial Dep. Of Transportation	59	11
16	Provincial Dep. Of Water Resources	25	0
17	Provincial Agriculture Commission	25	0
18	Provincial Dep. Of Forestry	36	0
19	Provincial Dep. Of Commerce	16	0
20	Provincial Dep. Of Culture	12	0
21	Provincial Dep. Of Audit	3	0
22	Provincial Dep. Of Supervision	13	0
23	Office for Foreign & Overseas Chinese Affairs	4	0
24	Commission of Health & Family Planning	80	0
	Total	2073	59

# V. Clenching main FCR responsibilities and strengthening accountabilities

## \* Integrating FCR works into the inspection tasks of the Reform Office of Provincial Party Committee

### 中共湖南省委全面深化改革领导小组办公室

湘改办发〔2017〕4号

#### 关于拓展督察广度深度、狠抓改革落实的通知

各专项小组，省直各厅局，各市委全面深化改革领导小组：

习近平总书记多次在中央深改组会议上就各地区各部门投入更多精力抓督察问效，以及各级主要负责同志抓好改革落实提出明确要求。杜家毫书记也要求，把抓改革落实摆到更加重要的位置，切实强化责任担当，切实强化改革督察，狠抓改革落地见效。为了认真贯彻中央和省委精神，落实中央改革办近期安排部署，现就进一步落实责任、加大督察力度，全力推动各项改革举措落实到位的有关事项通知如下。

#### 一、提高认识，把抓改革落实摆到更重要的位置

牢固树立政治意识、大局意识、核心意识、看齐意识，始终在思想上政治上行动上同以习近平同志为核心的党中央保持高度一致。各专项小组、各地区各部门要在第一时间传达学

根据中央改革办有关通知要求，省委改革办于6月份组织开展2017年全面深化改革中期督察，具体安排如下。

#### （一）督察内容

1. 重点改革事项推进情况。本次督察的重点改革事项分5个专题和2个专项。5个专题分别是供给侧结构性改革专题、创新引领专题、开放崛起专题、深化医药卫生体制改革专题、司法体制四项改革专题；2个专项分别是政府和社会资本合作专项、建立公平竞争审查制度专项。

2. “一把手抓一把手”情况。主要督察市州、县市区主要负责同志抓改革落实情况，省直改革事项牵头部门主要负责同志抓改革落实情况。



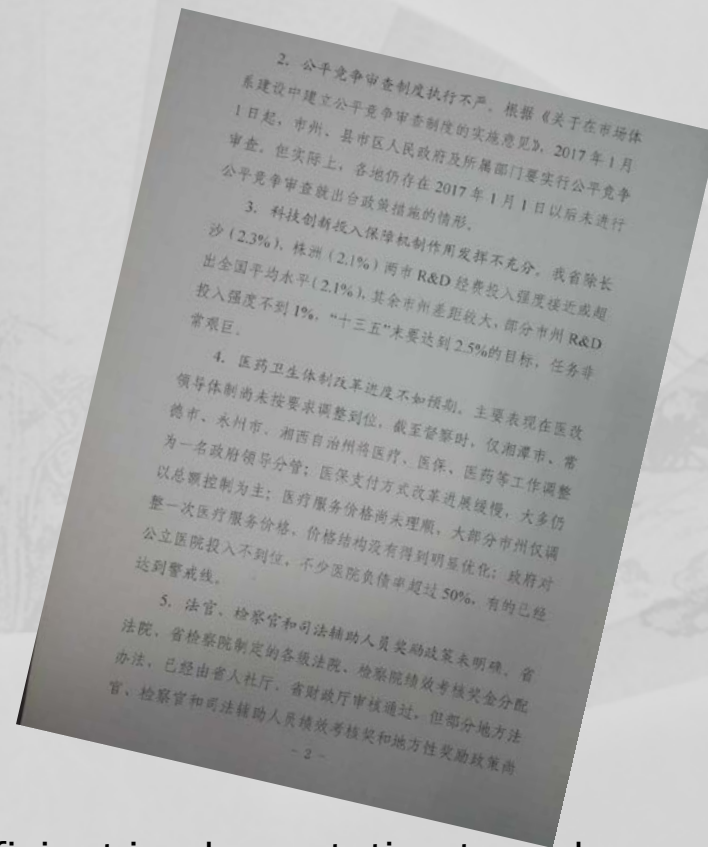
## V. Clenching main FCR responsibilities and strengthening accountabilities

- \* The inspection team of Provincial Office for Deep Reform, together with the relevant local governmental organizations, visited different cities and counties to conduct field inspections



# V. Clenching Main FCR responsibilities and strengthening accountabilities

- \* Sending out questionnaires and defining the deadlines for corrective actions



Letters that urges the organizations of insufficient implementation to make more efforts on FCR works

# V. Clenching Main FCR responsibilities and strengthening accountabilities

Special inspections are conducted in every city



Inspections on the counties and districts conducted by the Municipal Bureau of Price Supervision & Anti-Monopoly of Huaihua



Inspection on the Nanyue districts conducted by the Municipal Bureau of Price Supervision & Anti-Monopoly of Hengyang



# State Special Inspectors for Fair-Competition



Appraisal: prompt response, quick actions, steady steps and remarkable achievement





Thank you for your attention !