附件1：

 英文版

Circular of the Lanzhou New Area Commerce and Culture and Tourism Bureau

(Lanzhou New Area Free Trade Zone Management Committee)

 on Printing and Issuing the Instruction for Handling Complaints of Foreign-

invested Interprises in Lanzhou New Area

Relative Departments, Parks, Foreign-invested Enterprises :

To carry out the Rules on Handling Complaints of Foreign-Invested Enterprises (MOFCOM Order No.3 of 2020 ) and the Provisions of Gansu Province on Handling Services for Complaints of Foreign Invested Enterprises ,we wiil futher establish and perfect work mechanisms for Handling Complaints of Foreign-Invested Enterprises of Lanzhou New Area. According with the spirit of the circular on handling the complaints of foreign-invested enterprises in Gansu Province issued by the Department of Commerce of Gansu Province, the Instruction for handling complaints of foreign-invested enterprises in Lanzhou New Area are hereby printed and distributed for implementation.

  **Lanzhou New Area Commerce and Culture and Tourism Bureau**

 **Lanzhou New Area Free Trade Zone Management Committee**

**March29,2021**

The Instruction for Handling Complaints of Foreign-invested Interprises

in Lanzhou New Area

Chapter**I** The acceptance agency for Complaints from foreign-invested enterprises in Lanzhou New Area

The Complaint Office for foreign investors in Lanzhou New Area is located in Lanzhou New AreaCommerce and Culture and Tourism Bureau(Lanzhou New Area Free Trade Zone Management Committee), which is mainly responsible for accepting the following affairs:

The foreign investors complaint relevant administrative staff in the new area，so as to ensure their legitimate rights or interests.

The foreign investors suggest relevant government departments and parks improving policies and measures.

Supervise and handle matters that assigned from the superior department .

Foreign invested enterprises and foreign investors may complain through interview, letter, fax and e-mail in accordance with the relevant regulation of the measures for handling complaints of foreign invested enterprises in Gansu Province.

Complaint Service Phone：0931-8251350

Supervision Service Phone：0931-8259322

Fax：0931-8259322

E-mail：lzxqslj8251350@163.com

Address (or mailing address): room 4115, floor 4, building 3, Zhongchuan Business Center, Lanzhou New Area, Lanzhou City, Gansu Province.

Location guide of public transportation: New Area Management Committee station, New Area passenger transport center station, East Gate Station of Rainbow Rity zone B, bus including No. 1, 609, K1, 9, 11, 13, 14, 709, 18, 7, 5 and 808.

Processing Time: 8:30-12:00 and 14:30-18:00 from Monday to Friday, except legal holidays.

Chapter **II** Acceptance requirements

1.Definition

（1）Complaint

Foreign invested enterprises and foreign investors believe that the administrative acts of administrative organs (including organizations authorized by laws and regulations with the function of managing public affairs) and their staff infringe upon their legitimate rights and interests, and apply to the complaint office for coordination and settlement, or reflect the situation, put forward opinions, suggestions or requests.

（2）Complainant

Foreign invested enterprises and foreign investors in Lanzhou New Area.

（3） Respondent

Relevant departments and their staff in Lanzhou New Area

2.Complaint material requirements

When filing a complaint, the complainant shall submit written complaint materials. Complaint materials can be submitted on site or by letter, fax, e-mail, etc. Complaint materials shall include:

（1）Registration form of complaints of foreign-invested enterprises.It mainly includes the basic information of the complainant and the respondent, as well as the complaint request and basis, evidence catalogue, etc. (see Annex 2 template for details)；

（2）Supporting materials related to the complaint. It mainly includes the main qualification certificate of the complainant (such as business license, ID card, investment relationship certificate, power of attorney, etc.) and relevant supporting materials of the facts and basis of the complaint, which can be provided together with relevant legal basis if there is any;

（3）Other materials, etc. The complaint materials shall be written in Chinese. If written in a foreign language, a Chinese translation shall be attached.If the complainant entrusts another person to make a complaint, it shall provide the power of attorney issued by the complainant, as well as the identity certificate of the complainant and the identity certificate of the entrusted person. The power of attorney shall specify the entrusted items, authority and time limit.

3. Inadmissibility

(1)Anonymous complaint

(2)The complaint has entered or completed the administrative reconsideration or administrative litigation procedures

(3)The complainant has misunderstandings or objections to the relevant provisions of laws, regulations or policies and administrative affairs procedures

(4)Other complaint handling departments have accepted or finished handling.If the complainant has any objection to the rejection of the complaint handling department, he may report to the complaint handling department at the next higher level. If the complaint handling department at the next higher level considers that it meets the acceptance conditions, it shall notify the complaint handling department to accept it.

4.Acceptance time limit

After receiving the complaint from the complainant, it shall review it within 5 working days and inform the complainant in writing or other appropriate ways whether it is accepted or not. If the case is not accepted, the reasons shall be explained. For matters that do not fall within the scope of acceptance of foreign complaint institutions in Lanzhou New Area, the complainant may be informed to complain to the relevant complaint handling departments.

Chapter III Method and Process

1.Processing requirements

requirements

The handling of foreign complaints shall adhere to the principles of evidence-based according to law, fairness, convenience and efficiency.The complaint accepting institution and its staff shall abide by the confidentiality system and shall not disclose work secrets, enterprise business secrets and information required to be kept confidential by the complainant

（2）Complainant's obligations

The complainant shall follow the principle of voluntariness and legality, explain the situation, provide materials or other necessary assistance in accordance with the requirements of the complaint acceptance institution of Lanzhou New Area.

2.Treatment method

Beaed on the situation of complaints, the following methods can be adopted:

Promote the understanding between the complainant and the respondent (including reach a settlement);

（2） Coordinate with the respondent;

（3） Submit and improve suggestions on policies and measures;

（4） Other proper methods.

Where the complainant and the respondent sign a settlement agreement, the matters and results of the settlement shall be stated. The settlement agreement concluded according to law shall be binding on the complainant and the respondent. If the respondent fails to perform the effective settlement agreement, it shall be dealt with in accordance with Article 41 of the regulations for the implementation of the foreign investment law of the people's Republic of China.

3.Handling period

Handle the accepted complaints within 30 working days from the date of accepting the complaints. For complaints involving many departments and complex situations, the processing period can be appropriately extended

4.Cause of termination

Under any of the following circumstances, the complaint handling shall be terminated

（1） Coordinate and handle, and the complainant agrees to terminate;

（2）The complaint is inconsistent with the facts, or the complainant refuses to provide materials, resulting in the inability to find out the relevant facts;

（3）The complainant's claim has no legal basis

（4）The complainant withdraws the complaint in writing

（5）The complainant's relevant claims have no legal basis;

（6）The complainant fails to participate in the complaint handling work without justified reasons for 30 consecutive days after being contacted by the complaint handling organization;

（7）During the complaint handling period, if the same complaint has been accepted or handled by the petition and other departments, and the same complaint has entered or completed the procedures of administrative reconsideration and administrative litigation, it shall be deemed that the complainant has withdrawn the complaint in writing.

After the complaint handling is completed, the complainant shall be notified in writing of the complaint handling results within 3 working days.

5. Closing registration

After the completion of complaint cases, the cases handled in coordination shall be closed, registered and filed, and the case materials, relevant work logs and handling results shall be detailed and complete.