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# 国际基础设施合作研究系列报告

INTERNATIONAL INFRASTRUCTURE COOPERATION RESEARCH REPORT

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## Measures for the Administration of Credit Files of Member Enterprises of the China Chamber of Commerce for Foreign Contracting Engineering

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### Chapter I General Provisions

**Article 1** In order to strengthen the credit construction of outsourcing projects, foreign investment and foreign labor cooperation industries, improve the concept of enterprise credit, enhance the awareness of credit risk prevention, promote the establishment of trustworthiness incentive and punishment mechanisms for breach of trust, realize the disclosure and sharing of enterprise credit information, and promote the honest operation of enterprises, In accordance with the provisions of the regulations, these Measures are formulated for the management of enterprise credit files in accordance with the actual situation of the industry.

**Article 2** The enterprise credit files mentioned in these Measures refer to the letters related to the business activities of enterprises collected by the China Chamber of Commerce for Foreign Contracting Engineering (hereinafter referred to as the "Contractors' Association") from relevant state ministries and commissions, other trade associations and other relevant units, and in the process of carrying out credit evaluation, industry coordination and other services. Use information and record.

**Article 3** The management of enterprise credit files includes the establishment of enterprise credit files, the disclosure and use of credit information. Relevant activities shall safeguard the

interests of the state and society and the legitimate rights of enterprises. Follow the principles of objectivity, fairness, impartiality and norms; keep state secrets and trade secrets, and protect personal privacy.

## **Chapter II Establishment of Enterprise Credit Archives**

Article 4 The establishment of enterprise credit files refers to the collection, classification, collation and storage of credit information of foreign contracted projects, foreign investment and foreign labor cooperation enterprises to form enterprise credit files.

Article 5 Scope of enterprise credit files:

(1) Basic information of the enterprise:

1. Basic information about enterprise registration, special administrative license, qualification level and other information, including registration, change, cancellation or cancellation;
2. Enterprise operation and management: enterprise operation performance, enterprise financial situation, enterprise finance, human resources management system, etc.
3. Basic credit information of the enterprise: the results of participating in the credit rating evaluation of the contractor's association over the years.

(2) Good information of the enterprise:

1. The situation where the enterprise and its legal representative or main person in charge has been commended by government agencies at home and abroad;
2. Other honors given to the enterprise by the contractor's association or relevant industry associations;
3. Outstanding deeds of enterprises fulfilling social responsibilities and participating in social welfare activities;
4. Other good information that can be recorded in the credit file.

(3) Bad information of the enterprise:

Bad information mainly includes the following bad behaviors of enterprises and relevant administrative penalty opinions of government authorities:

1. Major labor disputes are caused by enterprises that violate labor contracts or labor laws and regulations in the country, causing bad effects;

2. Contract project projects in improper ways such as vicious bidding and commercial bribery;
3. Defamation or other means to disrupt the normal operation of other Chinese-funded enterprises and cause substantial damage;
4. Major quality and safety accidents in overseas projects contracted or implemented due to enterprise reasons;
5. Due to enterprise reasons, overseas projects contracted or implemented are seriously delayed, causing disputes and adverse effects;
6. Major project losses and adverse effects caused by enterprise decision-making mistakes or poor management;
7. Unauthorized commitment to finance in the name of the Chinese government or financial institutions;
8. Do not go through legal entry and exit procedures, health check-ups, vaccinations and work permits for domestic personnel;
9. No training for dispatched personnel in safety, civilization and law-abiding, and failure to take effective security precautions against local security risks;
10. Failure to respect local customs, religious beliefs and living habits leads to conflicts with the local people;
11. Failure to comply with local labor laws and regulations leads to major labor disputes;
12. Destroy the local ecological environment and threaten local public safety;
13. Other serious violations of laws and regulations, lack of integrity and bad business practices that contractors will determine in accordance with the regulations.
14. Entrust other enterprises, intermediary institutions and individuals to recruit labor personnel in violation of the relevant regulations of the State, or accept the affiliated operation of other enterprises, intermediaries and natural persons;
15. Charge labor personnel to exceed the standard and collect performance bonds from personnel in disguised manner;
16. Failing to apply for an overseas work permit for the labor personnel or send labor personnel by means of tourism and business visas;
17. Failure to sign a contract with the labor service personnel or fail to perform the contract;
18. If a major labor dispute occurs and is subject to administrative punishment or adverse

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or the court decides to bear legal responsibility;

19. Failure to go through a health examination and vaccination for labor personnel;
20. Labor personnel have not been trained in safety, civilization and law compliance;
21. Other bad information that can be recorded in the credit file.

Article 6 The collection of information in enterprise credit files shall be collected by the contractor on its own initiative and submitted by the enterprise itself. Contractors will proactively collect corporate credit information collected from relevant government departments, financial institutions and relevant industry associations. Enterprises submit information by themselves including those submitted by enterprises in declaration of membership information, credit rating evaluation, project filing and coordination, social responsibility evaluation and other activities.

Article 7 The period of enterprise credit file records shall be set in accordance with the provisions:

- (1) The period of basic information record of the enterprise until the enterprise terminates its operation or withdraws from the contractor meeting;
- (2) The period of good information record of the enterprise is 5 years.
- (3) The period of recording bad information of an enterprise is 5 years, but the limitation period imposed on the enterprise by laws, regulations, rules and administrative decisions exceeds 5 years, the time limit of the provisions of the law, regulations, rules and administrative decisions shall be recorded in accordance with the provisions of the law, regulations and administrative decisions.

### Chapter III Use of Enterprise Credit Files

Article 8 The use of enterprise credit files mainly includes the application of archival information in the internal work of the contractor's association and social-oriented publicity and inquiry.

Article 9 When carrying out project coordination, market access, enterprise recommendation and other activities or providing personalized services, the contractor will take the enterprise credit file as an important basis for business coordination, etc.

Article 10 The contractor will publicize the good information of the enterprise and the administrative penalty information of the competent business department, the industry punishment and other bad information in the form of a red and black list of industry credit.

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Article 11 In addition to the business performance and financial situation of the enterprise's credit files, good information and bad information within a certain period of time will be provided to the public for inquiry.

Article 12 The publicity period of good information is the validity period for enterprises to be commended and awarded titles, and the inquiry period is up to 5 years.

Article 13 The publicity period of bad information is 2 years. If the time limit is clearly specified by laws, regulations, rules and administrative decisions, the publicity time limit shall be stipulated. At the end of the publicity period, it will no longer be published as credit file information, but the public can obtain relevant information through inquiry, and the inquiry period is up to 5 years.

Article 14 Minor illegal acts that are unintentionally committed by the enterprise may not be recorded in bad information upon written application by the enterprise and examined and approved by the relevant administrative departments.

If the credit is missing due to illegal or dishonesty, the enterprise may carry out credit repair through substantive rectification measures. After examination and approval by the relevant administrative departments, it may shorten the period for publishing bad information online, but the minimum release of bad information shall not be less than 6 months, and if the circumstances are serious, it shall not be less than 1 year.

Article 15 The disclosure of information in enterprise credit files shall comply with the provisions of relevant laws, regulations and rules, and shall not disclose state secrets, trade secrets, personal privacy and other content that are not allowed to be disclosed in laws, regulations and rules.

Article 16 If the enterprise and other interested parties believe that there is a difference in the relevant credit information that the contractor will disclose, they may apply to the contractor in writing to change or cancel the record.

Article 17 The contractor shall verify the accuracy of the relevant information within 15 working days from the date of receiving the objection application. If it is inconsistent with the original information provided, it shall be corrected immediately; if it is consistent with the original information provided, the dissident shall be informed in writing to apply to the information provider for correction, and at the same time copy the information provider.

## **Chapter IV Penalties**

Article 18 If an enterprise, in violation of the provisions of these Measures, falsely declares credit information and frauds, causing serious consequences or other adverse effects, the contractor will record the behavior as bad information.

Article 19 If a contractor, in violation of these Measures, makes mistakes or mistakes in the collection, disclosure, use and management of enterprise credit information, causing significant impact or damage to the enterprise, shall bear corresponding liability.

## Chapter V Supplementary Provisions

Article 20 These Measures shall be interpreted by the Industry Credit System Construction Committee of the Contractor Association and shall come into force as of the date of issuance.

Article Source: Contractors Association Author: Shi Xiaodong

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Measures for the Administration of Enterprise Credit Rating Evaluation Funds of the China Chamber of Foreign Contracting Engineering Chamber of Commerce (Repaired in 2021..

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Measures for the Administration of the Credit Red and Black List of Enterprises of the China Chamber of Commerce for Foreign Contracting Engineering

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