

# 濮阳经济技术开发区招商引资工作领导小组文件

濮开招商〔2021〕4号

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## 关于印发《濮阳经济技术开发区外商投资企业投诉处理办法》的通知

各乡（镇）人民政府，各街道办事处（筹备组），区内各单位：

现将《濮阳经济技术开发区外商投资企业投诉处理办法》印发给你们，请结合实际认真贯彻执行。

2021年2月8日

# 濮阳经济技术开发区外商投资企业投诉处理办法

## 第一章 工作职责

濮阳经济技术开发区商务局是濮阳经济技术开发区管理委员会组成部门，具有“依法监督外商投资企业执行有关法律法规、规章等情况并协调解决有关问题”职能，濮阳经济技术开发区管理委员会指定商务局可受理外商投资企业、外国投资者认为行政机关及其工作人员的行政行为侵犯其合法权益，投资环境方面存在的问题，建议完善有关政策措施的行为。

具体处理外商投资企业投诉事项如下：

（一）涉及开发区有关部门，乡镇办及其工作人员行政行为的；

（二）建议开发区有关部门，乡镇办完善相关政策措施的；

（三）在开发区范围内或者有重大影响，开发区认为可以由其处理的。

外商投资企业、外国投资者可通过信函、传真和电子邮件进行投诉。

投诉咨询电话：0393-6685029

传真：0393-6685029

投诉工作邮箱：pyjkqzsj@163.com

纸件投诉邮寄地址：河南省濮阳经济技术开发区管理委员会 724 室

## 第二章 受理条件与要求

### 一、有关定义

#### （一）投诉。

一是外商投资企业、外国投资者认为行政机关及其工作人员的行政行为侵犯其合法权益，向投诉工作机构申请协调解决的行为。

二是投诉人向投诉工作机构反映投资环境方面存在的问题，建议完善有关政策措施的行为。

#### （二）投诉人。

中华人民共和国境内的外商投资企业、外国投资者。

#### （三）被投诉人。

开发区管委会有关部门及其工作人员；乡镇及街道办事处及其工作人员；

开发区管委会商务局认为可以由其处理的事项中所涉及的行政机关及其工作人员。

### 二、投诉材料要求

投诉人提出投诉事项，应当提交书面投诉材料。投诉材料可以现场提交，也可以通过信函、传真、电子邮件、在线申请等方式提交。投诉材料应包括：

（一）投诉人的姓名或者名称、通讯地址、邮编、有关联系人和联系方式，主体资格证明材料，提出投诉的日期；

（二）被投诉人的姓名或者名称、通讯地址、邮编、有关联系人和联系方式；

（三）明确的投诉事项和投诉请求；

（四）有关事实、证据和理由，如有相关法律法规依据可以一并提供；

（五）是否存在《外商投资企业投诉工作办法》第十四条第（八）、（九）项所列情形的说明。

投诉人反映投资环境方面存在的问题，投诉材料应当包括前款第（一）项规定的信息、投资环境方面存在的相关问题以及具体政策措施建议。

投诉材料应当用中文书写。有关证据和材料原件以外文书写的，应当提交准确、完整的中文翻译件。

投诉人可以委托他人进行投诉。投诉人委托他人进行投诉的，除上述规定的材料以外，还应当提交投诉人的身份证明、出具的授权委托书和受委托人的身份证明。授权委托书应当载明委托事项、权限和期限。

### 三、不予受理条件

（一）投诉主体不属于外商投资企业、外国投资者的；

（二）申请协调解决与其他自然人、法人或者其他组织之间民商事纠纷，或者不属于《外商投资企业投诉工作办法》规定的外商投资企业投诉事项范围的；

（三）不属于开发区管委会商务局的投诉事项处理范围的；

（四）经通知补正后，投诉材料仍不符合要求的；

（五）投诉人伪造、变造证据或者明显缺乏事实依据的；

（六）没有新的证据或者法律依据，重复投诉的；

(七) 同一投诉事项已经由上级投诉工作机构受理或者处理终结的;

(八) 同一投诉事项已经由信访等部门受理或者处理终结的;

(九) 同一投诉事项已经进入或者完成行政复议、行政诉讼等程序的。

#### 四、受理时限

(一) 投诉材料不齐全的, 开发区管委商务局在收到投诉材料后 7 个工作日内一次性以《外商投资企业投诉材料补正通知书》的形式书面通知投诉人在 15 个工作日内予以补正。

(二) 开发区管委会商务局接到完整齐备的投诉材料后 7 个工作日内作出是否受理的决定, 符合投诉受理条件的, 予以受理并向投诉人发出《外商投资企业投诉案件受理通知书》。

(三) 不符合投诉受理条件的, 投诉工作机构于 7 个工作日内向投诉人发出《外商投资企业投诉案件不予受理通知书》并说明不予受理的理由。

(四) 不属于开发区管委会商务局受理范围的事项, 可以告知投诉人向有关投诉工作机构提出投诉。

### 第三章 处理方式与期限

#### 一、处理要求

##### (一) 工作要求

濮阳经济技术开发区管委会商务局在受理投诉后，将与投诉人和被投诉人进行联系沟通，了解情况，依法协调处理，推动投诉事项的妥善解决。

根据投诉事项具体情况，开发区管委会商务局可以组织召开会议，邀请投诉人和被投诉人共同参加，陈述意见，探讨投诉事项的解决方案。

## （二）投诉人义务

濮阳经济技术开发区管委会商务局进行投诉处理时，可以要求投诉人进一步说明情况、提供材料或者提供其他必要的协助，投诉人应当予以协助；可以向被投诉人了解情况，被投诉人应当予以配合。

## 二、处理方式

根据投诉事项情况，濮阳经济技术开发区管委会商务局可以采取下列方式进行处理：

（一）推动投诉人和被投诉人达成谅解（包括达成和解协议）；

（二）与被投诉人进行协调；

（三）提交完善相关政策措施的建议；

（四）其他适当的处理方式。

## 三、处理期限

濮阳经济技术开发区管委会商务局在受理投诉之日起30个工作日内办结受理的投诉事项。涉及部门多、情况复杂的投诉事项，经投诉工作机构（单位）主要领导批准，可以适当延长处理时限，最终处理终结时限不超过半年。

#### 四、终结事由

有下列情形之一的，投诉处理终结：

（一）濮阳经济技术开发区管委会商务局依据《外商投资企业投诉工作办法》第十八条进行协调处理，投诉人同意终结的；

（二）投诉事项与事实不符的，或者投诉人拒绝提供材料导致无法查明有关事实的；

（三）投诉人的有关诉求没有法律依据的；

（四）投诉人书面撤回投诉的；

（五）投诉人不再符合投诉主体资格的；

（六）濮阳经济技术开发区管委会商务局联系，投诉人连续 30 日无正当理由不参加投诉处理工作的；

（七）投诉处理期间，同一投诉事项已经由信访等部门受理或者处理终结的，以及同一投诉事项已经进入或者完成行政复议、行政诉讼等程序的，视同投诉人书面撤回投诉。

投诉处理终结后，濮阳经济技术开发区管委会商务局在 3 个工作日内将投诉处理结果书面通知投诉人。

# **Measures for handling complaints from foreign invested enterprises in Puyang economic and Technological Development Zone**

## **Chapter I responsibilities**

The Bureau of Commerce of Puyang economic and Technological Development Zone is a part of the Management Committee of Puyang economic and Technological Development Zone. It has the function of "supervising the implementation of relevant laws, regulations and rules by foreign-invested enterprises according to law and coordinating and solving relevant problems". The Management Committee of Puyang economic and technological Development Zone has designated that the Bureau of commerce can accept foreign-invested enterprises Foreign investors believe that the administrative acts of administrative organs and their staff infringe upon their legitimate rights and interests, and there are problems in the investment environment. They suggest to improve the relevant policies and measures.

The specific complaints of foreign-invested enterprises are



as follows:

( 1 ) Involving the administrative acts of relevant departments of the Development Zone, township offices and their staff;

( 2 ) It is suggested that relevant departments of the development zone and township offices improve relevant policies and measures;

( 3 ) It is within the scope of the development zone or has a significant impact, and the Development Zone believes it can deal with it.

Foreign invested enterprises and foreign investors can complain by letter, fax and e-mail.

Complaint hotline: 0393-6685029

Fax: 0393-6685029

Complaint email: pyjkqzsj@163.com

Mailing address of paper complaint: room 724, management committee of Puyang economic and Technological Development Zone, Henan Province

## **Chapter II acceptance conditions and requirements**

### **1.Relevant definitions**

#### **(1) Complaints.**

First, foreign-invested enterprises and foreign investors

believe that the administrative acts of administrative organs and their staff infringe upon their legitimate rights and interests, and apply to the complaint work organization for coordination and settlement.

Second, the complainant reported the problems existing in the investment environment to the complaint work organization and suggested to improve the behavior of relevant policies and measures.

(2) Complainant.

Foreign invested enterprises and foreign investors within the territory of the people's Republic of China.

(3) The respondent.

Relevant departments of the administrative committee of the development zone and their staff; Township and sub district offices and their staff;

The administrative organs and their staff involved in the matters that the Commerce Bureau of the administrative committee of the Development Zone believes can be handled by it.

## 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, online application, etc.

Complaint materials shall include:

(1) The complainant's name, mailing address, postal code, relevant contact person and contact information, subject qualification certification materials, and the date of filing the complaint;

(2) The name, mailing address, postal code, relevant contact person and contact information of the respondent;

(3) Clear complaint matters and complaint requests;

(4) Relevant facts, evidence and reasons can be provided together if there is relevant legal basis;

(5) Explanation on whether there are any situations listed in items (8) and (9) of Article 14 of the measures for the complaint of foreign invested enterprises.

If the complainant reflects the problems existing in the investment environment, the complaint materials shall include the information specified in Item (1) of the preceding paragraph, relevant problems existing in the investment environment and suggestions on specific policies and measures.

The complaint materials shall be written in Chinese. If the original of relevant evidence and materials is written in a foreign language, an accurate and complete Chinese translation shall be

submitted.

The complainant may entrust others to make a complaint. If the complainant entrusts others to make a complaint, in addition to the materials specified above, the identity certificate of the complainant, the power of attorney issued and the identity certificate of the entrusted person shall also be submitted. The power of attorney shall specify the entrusted items, authority and time limit.

### 3. Conditions of inadmissibility

(1) The subject of the complaint is not a foreign-invested enterprise or foreign investor;

(2) Applying for the coordination and settlement of civil and commercial disputes with other natural persons, legal persons or other organizations, or not within the scope of complaints by foreign-invested enterprises stipulated in the measures for the complaint of foreign-invested enterprises;

(3) It does not fall within the scope of handling complaints by the Commerce Bureau of the administrative committee of the development zone;

(4) After being notified to make corrections, the complaint materials still do not meet the requirements;

(5) The complainant forges or alters evidence or

obviously lacks factual basis;

( 6 ) Repeated complaints without new evidence or legal basis;

( 7 ) The same complaint has been accepted or handled by the superior complaint organization;

( 8 ) The same complaint has been accepted or handled by the petition and other departments;

( 9 ) The same complaint has entered or completed administrative reconsideration, administrative litigation and other procedures.

#### 4.Acceptance time limit

( 1 ) If the complaint materials are not complete, the Commerce Bureau of the administrative committee of the Development Zone shall, within 7 working days after receiving the complaint materials, notify the complainant in writing in the form of notice on making corrections to the complaint materials of foreign-invested enterprises at one time, and make corrections within 15 working days.

( 2 ) The Commerce Bureau of the administrative committee of the Development Zone shall make a decision on whether to accept the complaint within 7 working days after receiving the complete and complete complaint materials. If it

meets the conditions for accepting the complaint, it shall accept it and issue the notice on accepting the complaint cases of foreign-invested enterprises to the complainant.

(3) If the conditions for accepting the complaint are not met, the complaint office shall issue the notice of rejection of complaint cases of foreign-invested enterprises to the complainant within 7 working days and explain the reasons for rejection.

(4) For matters that are not accepted by the Commerce Bureau of the administrative committee of the Development Zone, the complainant may be informed to file a complaint with the relevant complaint working organization.

### **Chapter III handling methods and time limit**

#### **1. Processing requirements**

##### **(1) Job requirements**

After accepting the complaint, the Commerce Bureau of the administrative committee of Puyang economic and Technological Development Zone will contact and communicate with the complainant and the respondent, understand the situation, coordinate and deal with it according to law, and promote the proper settlement of the complaint.

According to the specific situation of the complaint, the

Commerce Bureau of the administrative committee of the development zone may organize and hold a meeting to invite the complainant and the respondent to participate together, state their opinions and discuss the solutions to the complaint.

## (2) Complainant's obligations

When handling complaints, the commercial bureau of the administrative committee of Puyang economic and Technological Development Zone may require the complainant to further explain the situation, provide materials or provide other necessary assistance, and the complainant shall provide assistance; You can ask the respondent for information, and the respondent shall cooperate.

## 2. Treatment method

According to the complaints, the Commerce Bureau of the Management Committee of Puyang economic and Technological Development Zone can deal with them in the following ways:

(1) Promote the understanding between the complainant and the respondent (including reaching a settlement agreement);

(2) Coordinate with the respondent;

(3) Submit suggestions on improving relevant policies and measures;

(4) Other appropriate treatment methods.

### 3.Processing period

The Commerce Bureau of the administrative committee of Puyang economic and Technological Development Zone shall 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 time limit can be appropriately extended with the approval of the main leaders of the complaint working organization (unit), and the final processing time limit shall not exceed half a year.

### 4.Cause of termination

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

( 1 ) The commercial bureau of the administrative committee of Puyang economic and Technological Development Zone conducts coordinated handling in accordance with Article 18 of the measures for the complaint of foreign invested enterprises, 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 relevant claims have no legal basis;



(4) The complainant withdraws the complaint in writing;

(5) The complainant no longer meets the qualification of the subject of complaint;

(6) The administrative committee of Puyang economic and Technological Development Zone contacted the Commerce Bureau and the complainant did not participate in the complaint handling work for 30 consecutive days without justified reasons;

(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 commercial bureau of the administrative committee of Puyang economic and Technological Development Zone shall notify the complainant in writing of the complaint handling results within 3 working days.