

海南省商务厅文件

琼商展〔2021〕79号

海南省商务厅 关于印发《外国机构在海南自由贸易港独立 举办或合作主办涉外经济技术展管理暂行 办法》的通知

各相关机构、企业：

根据《商务部等 20 部门关于推进海南自由贸易港贸易自由化便利化若干措施的通知》（商自贸发〔2021〕58 号）和《国务院关于同意在全面深化服务贸易创新发展试点地区暂时调整实施有关行政法规和国务院文件规定的批复》（国函〔2021〕94 号）文件精神，为实施外国机构在海南自由贸易港独立举办或合作主办涉外经济技术展行政许可事项，我厅制定了《外国机构在海南自由贸易港独立举办或合作主办涉外经济技术展管理暂行办

法》，现予印发，自 2022 年 1 月 1 日起执行。



（此件主动公开）

外国机构在海南自由贸易港独立举办 或合作主办涉外经济技术展管理暂行办法

根据《商务部等 20 部门关于推进海南自由贸易港贸易自由化便利化若干措施的通知》（商自贸发〔2021〕58 号）文件精神，为确保外国机构在海南自由贸易港独立举办或合作主办涉外经济技术展行政许可事项落地实施，制定本办法。

一、适用范围

本办法适用于外国机构在海南自由贸易港独立举办或合作主办除冠名“中国”“中华”“全国”“国家”等字样以外的涉外经济技术展。包括：

（一）国际展览会和国际博览会，境外民用经济技术来华展览会（以下统称“国际展览会”）；

（二）对外经济贸易洽谈会和出口商品交易会，包括综合性或专业性的出口商品、投资贸易（利用外资）、技术出口、对外经济合作洽谈会或交易会。

举办以国际展为名称的涉外经济技术展览会，境外参展商（不包括境内外商投资企业）比例必须达到 20% 以上。

二、审查类型

项目名称：外国机构在海南自由贸易港独立举办或合作主办的涉外经济技术展办展项目

审批类别：行政许可（先审后批）

项目编码：18002

三、办理依据

（一）《国务院关于同意在全面深化服务贸易创新发展试点地区暂时调整实施有关行政法规和国务院文件规定的批复》（国函〔2021〕94号）。

（二）《国务院对确需保留的行政审批项目设定行政许可的决定》（国务院令 2004 年第 412 号）第一百七十九项：境内举办对外经济技术展览会办展项目审批。

（三）《国务院办公厅关于对在我国境内举办对外经济技术展览会加强管理的通知》（国办发〔1997〕25号）。

（四）《在境内举办对外经济技术展览会管理暂行办法》（外经贸政发〔1998〕325号）。

（五）《关于重申和明确在境内举办对外经济技术展览会有关规定的通知》（外经贸贸发〔2001〕651号）。

（六）商务部公告（2011 年第 10 号）。

（七）《国务院关于取消和下放一批行政许可事项的决定》（国发〔2019〕6号）。

（八）《商务部等 20 部门关于推进海南自由贸易港贸易自由化便利化若干措施的通知》（商自贸发〔2021〕58号）。

四、基本要求

（一）外国机构在海南自由贸易港独立举办或合作主办涉外经济技术展不得违反中华人民共和国法律法规和有关政策规定。

(二)外国机构在海南自由贸易港独立举办或合作主办涉外经济技术展不得违反中华人民共和国与有关国家、地区、国际组织缔结的国际公约或条约。

(三)外国机构在海南自由贸易港独立举办或合作主办涉外经济技术展不得从事或允许从事危害我国主权、安全、发展利益的行为。

海南省商务厅会同有关部门在涉外经济技术展举办 5 日前将针对上述情况开展监督检查。对不符合相关法律法规或政策规定，且在规定期限内经整改后仍未达到要求的，有关部门可依法责令中止展会，相关损失由主办方承担。

五、申请条件

(一) 外国机构独立举办涉外经济技术展

1.外国机构须经所在国合法登记注册（须提供外国机构注册文件及中国驻所在国使领馆对该机构的认证）。

2.外国机构必须具备独立承担民事责任的能力。

3.两个或两个以上外国机构联合主办涉外经济技术展，由第一主办单位申请报批。

4.首次举办展会需至少提前 6 个月提交申请材料；非首次举办展会需至少提前 3 个月提交申请材料。

(二) 外国机构合作主办涉外经济技术展

1.外国机构须经所在国合法登记注册（须提供外国机构注册文件及中国驻所在国使领馆对该机构的认证）。

2.合作主办单位(机构)必须具备独立承担民事责任的能力。

3.外国机构在海南自由贸易港联合或委托境内主办单位合作主办涉外经济技术展,应由第一主办单位申请报批。

4.境内联合主办单位如为企业法人,所持有的营业执照“经营范围”中须包含“展览展示”“会展服务”等相关内容;如为社会团体法人或事业单位法人,所持有的法人登记证书“业务范围”中须包含“展览展示”“会展服务”等相关内容。

5.首次举办展会需至少提前6个月提交申请材料;非首次举办展会需至少提前3个月提交申请材料。

六、申请材料

(一)申办函。阐述申办理由,需加盖申办单位公章或法人代表签字。(申办单位如为外国机构可凭法人代表签字,下同)

(二)申请表。申请表需填写准确完整,其中“展览内容”应简明扼要,需加盖申请单位公章或法人代表签字。

(三)主办单位注册文件。如为外国机构独立举办,须提供外国机构注册文件和中国驻所在国使领馆对该机构的认证;如为合作主办,须提供外国机构注册文件和中国驻所在国使领馆的认证,以及境内主办机构按单位性质提供企业法人营业执照、社会团体法人、事业单位法人登记证书和组织机构代码证。

(四)主办单位协议。如主办单位为两个或两个以上,应提供所有主办单位共同签署的联合协议。如单独主办,不需提供。

(五)主承办协议。如主办单位为两个或两个以上,应提供

所有主办单位共同或分别与承办单位签署的主承办协议。如无承办单位，不需提供。

（六）主办单位变更证明。如往届展会主办单位不再参与主办本届展会，应提供相应证明材料并加盖公章或法人代表签字。如主办单位无变更，不需提供；如新增主办单位，按第（四）和（五）项要求提供材料。

（七）展览会情况介绍。展览会组织架构、招商招展等情况介绍；境外参展商名单，包括公司营业许可证（Business licence）、地址、国别等；采购商名单，包括姓名、国籍、所在公司营业许可证（Business licence）、地址等。

（八）展览会紧急情况应急预案。应包括具体安全保卫措施并明确责任人，需加盖主办单位公章或法人代表签字。

（九）展览会知识产权保护方案。应包括打击侵权和假冒伪劣等具体知识产权保护措施，在展会现场设立知识产权保护办公室，开展维权援助举报投诉和举报处置等工作，需加盖主办单位公章或法人代表签字。

（十）上届展会批件。再次举办展会，上届如未按规定报批，应附说明。

七、办理流程

（一）申请。申请单位进入海南省政务服务网中的“部门服务-商务厅-境内举办涉外经济技术展审批”，点击在线办理登陆系统提交申请材料（可中文或英文申请）。

(二) 审批。海南省商务厅通过省行政审批系统(海南省政务服务网审批系统), 对申请事项进行网上审批。

(三) 审批结果。审核通过后, 海南省商务厅下发批件。审核未通过的, 通过海南省政务服务网在线办理系统告知。

(四) 信息共享。海南省政务服务网将审批办理过程及结果数据按 T+1 时限返回给商务部业务系统统一平台。

(五) 申请变更。批件下发后, 批复同意举办的展会名称、主办方、办展地点、展览内容等要件之一有变化的, 申请机构应在展会举办前履行变更手续。

具体程序要求: 申请机构应将申请函(阐述要件变更情况和具体理由)、批件原件提交至海南省政务服务中心综合服务窗口。

(六) 展会总结。展览会举办后一个月内, 申请单位应通过海南省政务服务网在线办理系统提交展会总结。

八、办理时限

外国机构独立举办或合作主办的展会项目首次举办的申请, 受理后 30 个工作日内办结; 非首次举办展览会的申请, 受理后 20 个工作日内办结。受理时间以材料齐全之日起开始计算。

Interim Measures for the Administration of Foreign Institutions Independently Organizing or Co-Hosting Foreign-Related Economic and Technology Exhibitions in Hainan Free Trade Port

According to *"Notice of 20 Departments including the Ministry of Commerce on Several Measures to Promote Trade Liberalization and Facilitation of Hainan Free Trade Port"* (Free Trade Zone and Port Construction Coordination Department of the Ministry of Commerce [2021] No. 58), in order to ensure the implementation of administrative licensing matters for foreign institutions to independently organize or co-host foreign economic and technology exhibitions in the Hainan Free Trade Port, these interim measures have been formulated.

1. Scope of Application

These Interim measures are applicable to foreign-related economic and technology exhibitions independently held or co-sponsored by foreign institutions in the Hainan Free Trade Port with titles other than "China", "P.R.C", "National", and "State".

The following 2 scenarios are involved:

- (1) International exhibitions and international expositions, civilian economic/technology-related exhibitions organized by overseas institutions in China (hereinafter collectively referred to as "international exhibitions");
- (2) Foreign Economic and Trade Fairs and Export Commodities Fairs,

including comprehensive or professional export commodities, investment/trade/foreign capital utilization, technology export, foreign economic cooperation fairs or trade fairs.

To hold a foreign-related economic and technology exhibition under the name of an international exhibition, the proportion of overseas exhibitors (excluding domestic and foreign invested enterprises) must reach more than 20% of total number of exhibitors.

2. Category of Approval

Approval Item: "The exhibition project of a foreign-related economic and technology exhibition independently or co-sponsored by a foreign institution in Hainan Free Trade Port"

Approval Category: Administrative Permission (review before approval)

Item Code: 18002

3. Document References

(1) *"The State Council's Reply on Approving the Temporary Adjustment and Implementation of Relevant Administrative Regulations and Documents of the State Council in Pilot Areas for Comprehensively Deepening the Innovative Development of Service Trade"* (State Council [2021] No. 94).

(2) *"Decision of the State Council on the Establishment of Administrative Licenses for*

Administrative Examination and Approval Items Really Needed to Be Retained"
(State Council Order No. 412, 2004) Item 179: Approval of projects for holding
foreign economic and technology exhibitions in China.

(3) "Notice of the General Office of the State Council on Strengthening the
Management of Holding Foreign Economic and Technology Exhibitions in China"
(General Office of State Council [1997] No. 25).

(4) "Interim Measures for the Administration of Holding Foreign Economic and
Technology Exhibitions in China" (Department of Foreign Trade, Ministry of
Commerce [1998] No. 325).

(5) "Notice on Reaffirming and Clarifying the Relevant Provisions on Holding Foreign
economic and Technology Exhibitions in China" ((Department of Foreign Trade,
Ministry of Commerce [2001] No. 651).

(6) *Announcement of the Ministry of Commerce* (No. 10, 2011).

(7) "Decision of the State Council on Canceling and Decentralizing a Batch of
Administrative License Items" (State Council [2019] No. 6).

(8) "Notice of 20 Departments including the Ministry of Commerce on Several
Measures to Promote Trade Liberalization and Facilitation of Hainan Free Trade
Port" (Free Trade Zone and Port Construction Coordination Department of the
Ministry of Commerce [2021] No. 58).

4. Fundamental Requirements

(1) Foreign institutions independently holding or co-hosting foreign-related
economic and technology exhibitions in Hainan Free Trade Port shall not

violate laws, regulations and relevant policies of the People's Republic of China.

(2) Foreign institutions independently holding or co-hosting foreign-related economic and technology exhibitions in Hainan Free Trade Port shall not violate the international conventions or treaties concluded between the People's Republic of China and relevant countries, regions, and international organizations.

(3) Foreign institutions independently holding or co-hosting foreign-related economic and technology exhibitions in Hainan Free Trade Port shall not engage in or permit acts endangering China's sovereignty, security or development interests.

The Hainan Provincial Department of Commerce, together with other relevant departments shall carry out supervision and inspection on the situations mentioned above five days before the holding of the foreign-related economic and technology exhibitions. For those who do not comply with relevant laws, regulations or policies and fail to meet the requirements after rectification within specified time limit, relevant departments may order the suspension of the exhibitions according to law, any relevant losses resulted shall be borne by the organizer.

5. Application Conditions

5.1 For foreign institutions holding foreign-related economic and technology exhibitions independently:

- (i) The foreign institution must be legally registered in the country where it is located (the registration documents of the foreign institution and the certification of the institution by the Chinese embassy or consulate in the country where it is located must be provided).
- (ii) Foreign institutions must have the ability to undertake civil liability independently.

(iii) If two or more foreign institutions are to jointly host the foreign-related economic and technology exhibitions, the major organizer shall perform applicant duty for the approval.

(iv) Application materials shall be submitted at least 6 months in advance for the first time and at least 3 months in advance afterward.

5.2 For foreign institutions co-hosting foreign-related economic and technology exhibitions:

(i) The foreign institution must be legally registered in the country where it is located (the registration documents of the foreign institution and the certification of the institution by the Chinese embassy or consulate in the country where it is located must be provided).

(ii) The co-hosting institution must have the ability to undertake civil liability independently.

(iii) If a foreign institution cooperates with or entrusts a domestic partner to jointly host a foreign-related economic and technology exhibition in Hainan Free Trade Port, the major organizer shall perform applicant duty for the approval.

(iv) If the domestic co-host is an enterprise legal person, the business scope on the business license must cover exhibition, exhibition services and other relevant contents. If it is a social organization or Government-sponsored Institution with legal person status, the business scope of the legal person registration certificate held must cover exhibition, exhibition services and other relevant contents.

(v) Application materials shall be submitted at least 6 months in advance for the first time and at least 3 months in advance afterward.

6.Application Materials

(1) Letter of application

To explain the apply reasons, it is required to affix the application with the

official seal or the signature of the legal representative of the apply unit (signature of the legal representative of the apply unit is acceptable for foreign institution, the same below)

(2) Application form

The application form must be filled in accurately and completely with concise and to the point exhibition content, and shall be affixed with official seal or legal representative signature of the apply unit.

(3) Organizer registration documents

If the exhibition is held independently by a foreign institution, the registration documents of the foreign institution and the certification of the institution by the Chinese embassy or consulate in the country where it is located shall be provided. If the exhibition is held jointly, the registration documents of the foreign institution and the certification of the institution by the Chinese embassy or consulate in the country where it is located, as well as the business license of enterprise legal person, registration certificate of social organization or government-sponsored institution with legal person status, and Organization code certificate of domestic co-host according to its business nature shall also be provided.

(4) Agreement among all hosts. If there are two or more hosts, a joint agreements signed by all the hosts should be provided. No provision is required in case of sole host.

(5) Agreement between Host and Organizer. If there are two or more hosts, the host and organizer protocol signed by all the organizers jointly or separately with the hosts should be provided. No need to provide if there is no organizers

(6) Proof of Change of Host. If the host of previous exhibitions no longer participates in hosting this exhibition, it should provide corresponding certification materials and affix the official seal or signature of the legal representative. No need to provide if there is no change in the host; if a

new host is added, the materials should be provided in accordance with the requirements of items (4) and (5).

(7) Exhibition Information. Information of exhibition organizational structure, investment and promotion; List of overseas exhibitors, including the company's Business license, address, country, etc. List of buyers, including name, nationality, Business license, address, etc.

(8) Exhibition Emergency Plan. It should include specific security measures and make clear who is responsible, with the official seal of the Host or the signature of the legal representative.

(9) Exhibition Intellectual Property Rights (IPR) Protection Scheme. Specific IPR protection measures such as cracking down on infringements and fake and shoddy products should be included. IPR protection offices should be set up at the exhibition site to carry out IPR protection assistance, reporting complaints and handling complaints, etc. The official seal of the host or the signature of the legal representative should be affixed.

(10) Approval of the Previous Session of the Exhibition. For subsequent sessions of an exhibition, if the previous session did not apply for approval according to the provisions, an explanation document should be attached.

7. Processing of Application

(1) Application. The applicant can enter the "Department Service - Department of Commerce - Approval of Domestic Foreign-related economic and Technology Exhibitions" in Hainan Government Affairs Service website, click on the online login system to submit the application materials (in Chinese or English only).

(2) Approval. The Department of Commerce of Hainan Province conducts online examination and approval of applications through the provincial administrative examination and approval system (the examination and approval system of Hainan Government Affairs Service Network).

(3) Approval Results. After the approval, Department of Commerce of Hainan Province will issue the approval document. Those who fail to pass the examination should be informed through the online handling system of Hainan Government Affairs Service Network.

(4) Information Sharing. Hainan Government Affairs Service Network will return the approval process and result data to the unified business system platform of the Ministry of Commerce within T+1 time limit.

(5) Request of change. After the approval is issued, if one of the requirements of the exhibition, such as the name, host, venue and content of the exhibition, is changed, the applicant shall go through the change procedures before the exhibition is held.

Specific procedures: The applicant should submit the application letter (stating the change of the requirements and specific reasons) and the original approval document to the comprehensive service window of Hainan Government Affairs Service Center.

(6) Exhibition Summary. Within one month after the exhibition is held, the applicant should submit the exhibition summary through the online handling system of Hainan Government Affairs Service network.

8. Application Time Limit

The application of an exhibition independently organized or co-hosted by a foreign institution for the first time should be completed within 30 working days upon acceptance of application documents; The application for non-first-time exhibition should be completed within 20 working days upon acceptance. The acceptance time should be calculated from the date when application materials are complete.

海南省商务厅办公室

2021 年 11 月 24 日印发
