

**Several Opinions of the State Council on Encouraging and Guiding the Healthy
Development of Private Investment
(No.13 [2010] of the State Council)**

The people's governments of all provinces, autonomous regions and municipalities directly under the Central Government, all ministries and commissions of the State Council and all institutions directly under the State Council:

Since the reform and opening up, the private investment in our country has developed and expanded continuously and become a vital force in promoting economic development, adjusting the industrial structure, prospering the rural-urban market and increasing social employment. While firmly consolidating and developing the public sector of the economy, we shall firmly encourage, support and guide the development of the non-public sectors of the economy and further encourage and guide private investment, which is conducive to adhering to and improving the basic economic system at the primary stage of socialism in our country, developing the mixed ownership economy on the basis of the modern property right system and promoting fair economic competition among all ownership systems and their joint development; which is conducive to improving the socialist market economy system, giving full play to the fundamental role of the market in the allocation of resources and building a market environment of fair competition; which is conducive to stimulating the inherent momentum of economic growth, stabilizing the foundation for sustainable development and promoting the stable yet rapid development of the economy in a long term; and which is conducive to increasing social employment, increasing residents' income, driving domestic consumption and promoting social harmony and stability. We hereby put forward the following opinions:

I. Further enlarging the fields and scope of private investment

1. We shall thoroughly implement a series of policies and measures such as the Several Opinions of the State Council on Encouraging, Supporting and Guiding the Development of Individual, Private and Other Non-public Sectors of the Economy (No.3 [2005] of the State Council), and encourage and guide the entry of private capital into the industries and fields where such entry is not explicitly forbidden by a law or regulation. We shall regulate the access threshold of investment and create a market environment of fair competition and equal access. The standards for market access and preferential and supportive policies shall be open and transparent, various investors shall be treated equally, and no extra conditions shall be set exclusively for the private capital.

2. We shall clearly define the scope of government investment. Government investment shall be mainly made in the economic and social fields which relate to the national security and where resources cannot be allocated effectively through market. We shall encourage and support the entry of private capital in the infrastructure,

municipal works and other public service fields where market operations are practicable.

3. We shall further adjust the layout and structure of the state-owned economy. The emphasis of investment of state-owned capital shall be placed on constantly strengthening and consolidating the key industries and crucial fields relating to the lifeline of the national economy. We shall create broader market space for private capital in the ordinary competitive fields.

4. We shall actively boost reform in the fields of medicine, education and other social undertakings. We shall regard privately-run social undertakings as an important supplement to the development of public undertakings, and by making overall plans and rational layout, speed up the nurture and formation of a public service system with the government investment playing a dominant role and the private investment playing an ancillary role.

II. Encouraging and guiding the entry of private capital in the fields of basic industries and infrastructure

5. We shall encourage the participation of private capital in the transportation construction. We shall encourage the investment of private capital in the construction of railway, waterway, port and pier, civil airport, general aviation facilities and other projects in the form of sole proprietorship, controlling shareholding, non-controlling shareholding, etc. We shall press ahead with the research and making of plans on the reform of the railway system, introduce market competition, promote diversification of investors, encourage the participation of private capital in the construction of main lines and by-lines of railways, railway car ferries and railway stations, yards and other facilities, and allow the participation of private capital in the construction of coal lines, special passenger lines, urban railway transport and other projects in the form of holding non-controlling shares. We shall explore and establish the investment funds for the railway industry, actively support railway enterprises in accelerating their shareholding structure reform and going public, and provide more channels and ways for the entry of private capital in the field of railway construction.

6. We shall encourage the participation of private capital in the construction of water engineering projects. We shall establish a fee compensation mechanism, offer government subsidies, and in the form of bidding, contracting, leasing, etc., attract the investment of private capital in the construction of farmland water, inter-basin water transfer, integrated water resource utilization, water and soil conservation and other water engineering projects.

7. We shall encourage the participation of private capital in the electric power construction. We shall encourage the participation of private capital in the construction of new energy industries including wind energy, solar energy, geothermal energy, biomass energy, etc. We shall support the participation of private capital in the construction of hydraulic power plants and thermal power plants in the form of sole proprietorship, controlling shareholding or non-controlling shareholding, as well as its

participation in the construction of nuclear power plants in the form of non-controlling shareholding. We shall open wider the electric power market, actively promote the electricity price reform, accelerate the popularization of grid price competition, carry out project bidding, and improve the electric power supervision system, so as to create a sound environment for private power generating enterprises to participate in competition on equal footing.

8. We shall encourage the participation of private capital in the construction of oil and natural gas. We shall support the entry of private capital in the field of exploration and exploitation of oil and natural gas in the form of cooperation with the state-owned oil enterprises in the exploration and exploitation of oil and natural gas. We shall support the participation of private capital in the construction of facilities and networks for the storage, transportation and pipeline transport of crude oil, natural gas and petroleum products in the form of non-controlling shareholding.

9. We shall encourage the participation of private capital in the telecommunications construction. We shall encourage the entry of private capital in the basic telecommunications operation market in the form of non-controlling shareholding. We shall support private capital in the value-added telecommunications business. We shall strengthen the supervision over monopoly and unfair competition in the telecommunications field to promote fair competition and boost sharing of resources.

10. We shall encourage the participation of private capital in land consolidation and treatment as well as exploration and exploitation of mineral resources. We shall actively guide the participation of private capital in the construction of land consolidation, reclamation and other projects in the form of bidding, encourage and guide the investment of private capital in the recovery and treatment of the geological environment of mines, and insist on fully opening the mining right market to private capital.

III. Encouraging and guiding the entry of private capital in the fields of construction of municipal public utilities and policy-based housing

11. We shall encourage the participation of private capital in the construction of municipal utilities. We shall support the entry of private capital in the fields of urban water supply, gas supply, heat supply, sewage and garbage disposal, public transportation, urban park greening, etc. We shall encourage the active participation of private capital in the restructuring and reorganization of municipal utility enterprises and institutions, and may adopt a market-based operating mode for qualified municipal utility projects to transfer property right or operating right to the private sector.

12. We shall further deepen the reform of the municipal utility system. We shall actively introduce the mechanism of market competition, vigorously promote a bidding system for the investors and operators of municipal utilities, and establish a sound franchise system for municipal utilities. We shall improve the government procurement system, establish standard government supervision and fiscal subsidy

mechanisms, and accelerate the reform of the pricing and fee charge system of municipal utility products, so as to create a sound system environment for encouraging and guiding the entry of private capital in the field of municipal utilities.

13. We shall encourage the participation of private capital in the construction of policy-based housing. We shall support and guide the investment of private capital in the construction of policy-based housing, including low-income housing, public rental housing, etc., and the participation of private capital in the reconstruction of shanty towns, and private investors shall enjoy the corresponding policies on the construction of policy-based housing.

IV. Encouraging and guiding the entry of private capital in the field of social undertakings

14. We shall encourage the participation of private capital in the medical development. We shall support private capital in establishing medical institutions, including various types of hospitals, community health service institutions, sanatoriums, outpatient departments, clinics, health stations (infirmaries), etc., and participating in the restructuring and reorganization of public hospitals. We shall support private medical institutions in providing public health services, basic medical services and basic medical insurance services as a designated institution. We shall effectively carry out the taxation policies for non-profit medical institutions. We shall encourage the rational movement of medical human resources to private medical institutions, and ensure that private medical institutions are treated equally with public hospitals in terms of the introduction of talents, professional title evaluation, scientific research projects, etc. We shall strengthen supervision over various medical institutions in terms of medical quality, medical behaviors, fee charge standards, etc. to promote the soundness of private medical institutions.

15. We shall encourage the participation of private capital in the development of education and social training. We shall support private capital in establishing various educational and social training institutions, including institutions of higher learning, elementary and high schools, kindergartens, vocational schools, etc. We shall amend and improve the Regulation on the Implementation of the Non-state Education Promotion Law of the People's Republic of China, effectively execute the talent encouragement policies and public finance subsidy policies for non-state schools, accelerate the formulation and improvement of financial, property right, social insurance and other policies for promoting the development of non-state education, and study and establish an exit mechanism for non-state schools.

16. We shall encourage the participation of private capital in the development of social welfare undertakings. We shall, in various forms such as land use assurance, credit support and government procurement, encourage the investment of private capital in the construction of specialized service facilities and the establishment of various social welfare institutions which provide support (nursing) services for the aged, recovery and nursing services for the disabled, etc.

17. We shall encourage the participation of private capital in the development of the cultural, tourism and sports industries. We shall encourage private capital to participate in advertising, printing, art performance, entertainment, cultural initiatives, cultural fair and exhibition, film production, network culture, cartoons and games, distribution of publications, digitalized production of cultural products and the relevant services, as well as the construction of cultural facilities including museums, libraries, cultural centers, cinemas, etc. We shall encourage the participation of private capital in the rational exploitation of tourism resources, construction of tourism facilities and various tourism and recreational activities. We shall encourage the investment of private capital in the production of sport goods and construction of various stadiums and fitness facilities, and encourage private investors to engage in sports, fitness, contest performance and other activities.

V. Encouraging and guiding the entry of private capital in the field of financial services

18. We shall allow the establishment of financial institutions with private capital. We shall ease the limitations on shareholding proportion in financial institutions, under the premise of strengthening effective supervision, promoting standard operations and preventing financial risks. We shall support the participation of private capital in the increase of registered capital and shares of commercial banks in the form of share purchase, as well as the restructuring of rural credit cooperatives and urban credit cooperatives. We shall encourage private investors to promote or participate in the formation of village banks, loan companies, rural mutual fund support bodies and other financial institutions, and relax the restrictions on a corporate bank's minimum ratio of capital contribution to a village bank or community bank. We shall effectively carry out the policies on making full pre-tax loss provisions for loans to small- and medium-sized enterprises, and simplify the examination and approval procedures for write-off of bad debts of small- and medium-sized financial institutions. We shall properly relax the restrictions on the shareholding ratio of a single investor in a petty loan company, and apply the same financial subsidy policies for village banks to petty loan companies in their agriculture-related businesses. We shall support the establishment of credit guarantee companies with private capital, and improve the risk compensation mechanism and risk sharing mechanism for credit guarantee companies. We shall encourage the establishment of financial intermediaries with private capital and the participation of private capital in the restructuring and reorganization of securities, insurance and other financial institutions.

VI. Encouraging and guiding the entry of private capital in the field of commercial and trade circulation

19. We shall encourage the entry of private capital in the commodity wholesale and retail and modern logistics fields. We shall support the development of private wholesale and retail enterprises, and encourage the investment of private capital in chain operation, e-commerce and other new circulation forms. We shall guide the investment of private capital in the third-party logistical service field, create

conditions for private logistics enterprises to undertake the logistics outsourcing businesses of the traditional manufacturing industry and commercial and trade industry, and support the cooperative development and joint distribution services of small- and medium-sized private commercial and trade circulation enterprises. We shall accelerate the reform of the administrative system of the logistics industry, encourage the consolidation and full utilization of resources of logistics infrastructure, promote the network operation of logistics enterprises, build a convenient and highly efficient financing platform, create a fair and well-regulated market competition environment, and promote the socialization of logistical services and the market-based utilization of resources.

VII. Encouraging and guiding the entry of private capital in the industrial field of science and technology for national defense

20. We shall encourage the entry of private capital in the investment and construction fields of the industry of science and technology for national defense. We shall direct and support the orderly participation of private enterprises in the restructuring and reorganization of military industrial enterprises, encourage the participation of private enterprises in the development of high technologies for both military and civil uses and the industrialization thereof, and allow the participation of private enterprises in the military industrial production and scientific research tasks in accordance with the relevant provisions.

VIII. Encouraging and guiding the reorganization and amalgamation of private capital and its participation in the reform of state-owned enterprises

21. We shall direct and encourage private enterprises to combine private capital through the property right market for the rational flow of property rights and carry out acquisitions, mergers and restructuring across regions or industries. We shall encourage and support the rational flow of private capital within this country to realize the orderly and graded industrial transfer and its participation in the development of western China, revitalization of old industrial bases in northeast China, etc., rising of central China, construction of a new countryside as well as development for poverty alleviation. We shall support the significant growth of qualified private enterprises in both size and strength through amalgamation, reorganization, etc., i.e. into group companies with unique characteristics and strong market competitiveness.

22. We shall encourage and direct private enterprises to participate in the restructuring and reorganization of state-owned enterprises in various forms such as non-controlling shareholding, controlling shareholding and asset acquisition. We shall rationally reduce the proportion of state-owned capital in the state-owned holding enterprises. Private enterprises shall, during its participation in the restructuring and reorganization of state-owned enterprises, earnestly implement the policies and requirements of the state on assets disposal, debt disposal, social security, etc., properly settle employees pursuant to law, and protect the legitimate rights and interests of employees of enterprises.

IX. Propelling private enterprises to strengthen independent innovation, transformation and upgrade

23. We shall effectively carry out the preferential tax policies for stimulating enterprises to increase R&D input, to encourage private enterprises to make more R&D input, enhance their capacities of independent innovation and own core technologies with independent intellectual property rights. We shall assist private enterprises in establishing engineering research centers or technological development centers, increasing technology reserves and doing a good job in the training of technical personnel. We shall support the participation of private enterprises in the state's key science and technology plan projects and technological breakthrough projects, so as to constantly improve the technological level and R&D capacities of enterprises.

24. We shall quicken the implementation of incentive policies for promoting the materialization of scientific and technological achievements, actively develop the technological market, and improve the science and technology achievement registration system, so as to provide conveniences for private enterprises to transfer and purchase sophisticated technologies. We shall accelerate the development and mechanism innovation of science and technology service institutions which provide such services as analysis and testing, inspection and test, business incubation, technological appraisal and technological consulting, so as to provide a service platform for the independent innovation of private enterprises. We shall actively promote market competition in the high-tech service fields such as information service outsourcing, intellectual property, technology transfer and achievement materialization, and support private enterprises in carrying out technical service activities.

25. We shall encourage private enterprises to make more efforts to develop new products and update and upgrade products. The research and development expenses incurred for new products may be deducted before tax under the policy of "deduction of expenses plus a percentage" pursuant to the relevant provisions. We shall encourage private enterprises to carry out brand strategies, strive to develop famous products and improve the quality of products and level of services. We shall encourage private enterprises to make technological improvements, eliminate backward production capacities and accelerate technological upgrade by speeding up depreciation of fixed assets and other means.

26. We shall encourage and direct private enterprises to develop strategic new industries. We shall encourage and direct them to transform and improve traditional industries through the extensive use of information technologies and other high-technologies, vigorously develop the circular economy and green economy and invest in the construction of new industries with development potentials such as energy conservation and emission reduction, water conservancy and consumption reduction, biomedicine, information network, new energies, new materials, environmental protection and comprehensive utilization of resources.

X. Encouraging and guiding the active participation of private enterprises in international competition

27. We shall encourage private enterprises to “go abroad” and actively participate in international competition. We shall support the internationalized operations of private enterprises in such fields as R&D, production and marketing, as well as their exploitation of strategic resources and establishment of international sales networks. We shall support private enterprises in carving out an international market through their own brands, independent intellectual property and independent marketing activities and accelerating the nurture of multinational enterprises and international famous brands. We shall support the formation of consortiums among private enterprises and between private enterprises and state-owned enterprises so that they could jointly make various forms of overseas investment by using their respective advantages.

28. We shall improve the promotion and safeguard system for overseas investment. We shall establish the policy consultation mechanism with the relevant countries to encourage and promote the international movement of private capital, carry out various forms of dialogue and exchange, and develop cooperative relations which are longstanding, stable, reciprocal and mutually beneficial. We shall strive for a favorable investment and trade environment and more preferential policies for private enterprises to “go abroad” by signing bilateral agreements on private capital cooperation and using the multilateral agreement system. We shall supplement and improve the policies on encouraging overseas investment, and treat private enterprises equally with other enterprises in terms of capital support, finance and insurance, foreign exchange administration, quality inspection, customs clearance, etc.

XI. Creating a sound investment for private investment

29. We shall clear and revise the provisions of laws, regulations and policies unfavorable for the development of private investment, tangibly protect the legitimate rights and interests of private investment, and nurture and safeguard an investment environment of equal competition. When formulating laws, regulations and policies involving private investment, we shall heed the opinions and suggestions of the relevant chambers of commerce and private enterprises so as to fully reflect the reasonable requirements of private enterprises.

30. We shall clarify the rules and unify the standards for government funds arranged by the relevant departments of the people’s governments at all levels, including but not limited to investments within the fiscal budget, special construction funds, funds for guiding venture investment, loans of international financial organizations and foreign governments, and equally treat various investors including private investors. We shall support the inclusion of products and services of private enterprises in the catalogue of government procurement.

31. Various financial institutions shall, on the basis of preventing risks, innovate and make flexible use of various financial instruments, increase their financing support for

private investment, and offer better financial services for private investment. The people's governments at all levels and the relevant supervision departments shall constantly improve the financing guarantee system for private investment, improve the venture investment mechanisms, develop equity investment funds, and continue to support the financing of private enterprises on the stock and bond markets.

32. We shall conduct an overhaul of matters subject to administrative examination and approval which involve private investment, simplify steps, shorten time limits, further promote the openness and standardization of the contents, standards and procedures of administration, and increase the efficiency of administrative services. We shall further scrutinize and regulate the fees and charges involving enterprises to effectively alleviate the burden on private enterprises.

XII. Strengthening the services for private investment and the guidance and compliance administration of private investment

33. The statistics departments shall strengthen their statistical work on private investment so as to accurately reflect the progress and distribution of private investment. The competent investment departments, industrial administrative departments and industrial associations shall do a good job in the monitoring and analysis of private investment, keep track of the latest developments of private investment, and reasonably guide private investment. They shall strengthen the construction of investment information platforms, and timely publish the industrial policies of the state, development and construction plans, market access standards, latest information on industries at home and abroad and other information, so as to direct private investors to accurately judge situations and reduce blind investment.

34. We shall establish a sound service system for private investment. We shall give full play to the role of such self-disciplinary organizations as chambers of commerce and industrial associations, and actively nurture and develop intermediary organizations which provide legal, policy, consulting, finance, financial, technical, management, market information and other services for private investment.

35. We shall strengthen effective supervision when relaxing market access. The relevant departments of the people's governments at all levels shall, in accordance with the requirements of the relevant laws and regulations, urge private investors to handle the investment and construction formalities, and urge private investors to abide by the state's industrial policies and provisions on environmental protection, land use, energy conservation, quality, security, etc. We shall establish a sound enterprise credit system, and direct private enterprises to establish standard systems of property rights, finance, employment, etc. and conduct business pursuant to law. Private investors shall constantly improve their own quality and capacities, have a sense of good faith and a sense of responsibility, actively create conditions to satisfy the market access requirements and actively assume the corresponding social responsibilities.

36. We shall create a favorable public opinion atmosphere for the healthy development of private investment. We shall vigorously publicize the guidelines,

policies and measures of the CPC Central Committee and the State Council for encouraging, supporting and guiding the development of non-public sectors of the economy, and publicize and report objectively and impartially the positive role of private investment in promoting the economic development, adjusting the industrial structure, prospering the rural-urban market, expanding social employment, etc. We shall actively publicize the exemplary deeds of private entrepreneurs who conduct business according to law and in good faith, earnestly fulfill their social responsibilities and actively partake in public welfare undertakings.

All regions and all departments shall attach greater importance to the work of encouraging and guiding the healthy development of private investment, further emancipate mind, change notions, deepen reform, make innovations and seek truth; and in accordance with the requirements of these Opinions, lose no time in the research and formulation of detailed implementing measures, put the relevant policies and measures into practice as soon as possible, endeavor to create a policy environment and a public opinion atmosphere in favor of the healthy development of private investment, effectively promote the sustainable and sound development of private investment, promote the rational growth of investment, optimization of structure, increase of benefits as well as sound and rapid economic and social development.

State Council
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国务院关于鼓励和引导民间投资健康发展的若干意见 国发〔2010〕13号

http://www.gov.cn/zw/gk/2010-05/13/content_1605218.htm

各省、自治区、直辖市人民政府，国务院各部委、各直属机构：

改革开放以来，我国民间投资不断发展壮大，已经成为促进经济发展、调整产业结构、繁荣城乡市场、扩大社会就业的重要力量。在毫不动摇地巩固和发展公有制经济的同时，毫不动摇地鼓励、支持和引导非公有制经济发展，进一步鼓励和引导民间投资，有利于坚持和完善我国社会主义初级阶段基本经济制度，以现代产权制度为基础发展混合所有制经济，推动各种所有制经济平等竞争、共同发展；有利于完善社会主义市场经济体制，充分发挥市场配置资源的基础性作用，建立公平竞争的市场环境；有利于激发经济增长的内生动力，稳固可持续发展的基础，促进经济长期平稳较快发展；有利于扩大社会就业，增加居民收入，拉动国内消费，促进社会和谐稳定。为此，提出以下意见：

一、进一步拓宽民间投资的领域和范围

（一）深入贯彻落实《国务院关于鼓励支持和引导个体私营等非公有制经济发展的若干意见》（国发〔2005〕3号）等一系列政策措施，鼓励和引导民间资本进入法律法规未明确禁止准入的行业和领域。规范设置投资准入门槛，创造公平竞争、平等准入的市场环境。市场准入标准和优惠扶持政策要公开透明，对各类投资主体同等对待，不得单对民间资本设置附加条件。

（二）明确界定政府投资范围。政府投资主要用于关系国家安全、市场不能有效配置资源的经济和社会领域。对于可以实行市场化运作的基础设施、市政工程和其他公共服务领域，应鼓励和支持民间资本进入。

（三）进一步调整国有经济布局 and 结构。国有资本要把投资重点放在不断加强和巩固关系国民经济命脉的重要行业和关键领域，在一般竞争性领域，要为民间资本营造更广阔的市场空间。

（四）积极推进医疗、教育等社会事业领域改革。将民办社会事业作为社会公共事业发展的重要补充，统筹规划，合理布局，加快培育形成政府投入为主、民间投资为辅的公共服务体系。

二、鼓励和引导民间资本进入基础产业和基础设施领域

（五）鼓励民间资本参与交通运输建设。鼓励民间资本以独资、控股、参股等方式投资建设公路、水运、港口码头、民用机场、通用航空设施等项目。抓紧研究制定铁路体制改革方案，引入市场竞争，推进投资主体多元化，鼓励民间资本参与铁路干线、铁路支线、铁路轮渡以及站场设施的建设，允许民间资本参股建设煤运通道、客运专线、城际轨道交通等项目。探索建立铁路产业投资基金，积极支持铁路企业加快股改上市，拓宽民间资本进入铁路建设领域的渠道和途径。

（六）鼓励民间资本参与水利工程建设。建立收费补偿机制，实行政府补贴，通过业主招标、承包租赁等方式，吸引民间资本投资建设农田水利、跨流域调水、水资源综合利用、水土保持等水利项目。

（七）鼓励民间资本参与电力建设。鼓励民间资本参与风能、太阳能、地热能、生物质能等新能源产业建设。支持民间资本以独资、控股或参股形式参与水电站、火电站建设，参股建设核电站。进一步放开电力市场，积极推进电价改革，加快推行竞价上网，推行项目业主招标，完善电力监管制度，为民营发电企业平等参与竞争创造良好环境。

（八）鼓励民间资本参与石油天然气建设。支持民间资本进入油气勘探开发领域，与国有石油企业合作开展油气勘探开发。支持民间资本参股建设原油、天然气、成品油的储运和管道输送设施及网络。

（九）鼓励民间资本参与电信建设。鼓励民间资本以参股方式进入基础电信运营市场。支持民间资本开展增值电信业务。加强对电信领域垄断和不正当竞争行为的监管，促进公平竞争，推动资源共享。

（十）鼓励民间资本参与土地整治和矿产资源勘探开发。积极引导民间资本通过招标投标形式参与土地整理、复垦等工程建设，鼓励和引导民间资本投资矿山地质环境恢复治理，坚持矿业权市场全面向民间资本开放。

三、鼓励和引导民间资本进入市政公用事业和政策性住房建设领域

（十一）鼓励民间资本参与市政公用事业建设。支持民间资本进入城市供水、供气、供热、污水和垃圾处理、公共交通、城市园林绿化等领域。鼓励民间资本积极参与市政公用企事业单位的改组改制，具备条件的市政公用事业项目可以采取市场化的经营方式，向民间资本转让产权或经营权。

（十二）进一步深化市政公用事业体制改革。积极引入市场竞争机制，大力推行市政公用事业的投资主体、运营主体招标制度，建立健全市政公用事业特许经营制度。改进和完善政府采购制度，建立规范的政府监管和财政补贴机制，加快推进市政公用产品价格和收费制度改革，为鼓励和引导民间资本进入市政公用事业领域创造良好的制度环境。

（十三）鼓励民间资本参与政策性住房建设。支持和引导民间资本投资建设经济适用住房、公共租赁住房等政策性住房，参与棚户区改造，享受相应的政策性住房建设政策。

四、鼓励和引导民间资本进入社会事业领域

（十四）鼓励民间资本参与发展医疗事业。支持民间资本兴办各类医院、社区卫生服务机构、疗养院、门诊部、诊所、卫生所（室）等医疗机构，参与公立医院转制改组。支持民营医疗机构承担公共卫生服务、基本医疗服务和医疗保险定点服务。切实落实非营利性医疗机构的税收政策。鼓励医疗人才资源向民营医疗机构合理流动，确保民营医疗机构在人才引进、职称评定、科研课题等方面与公立医院享受平等待遇。从医疗质量、医疗行为、收费标准等方面对各类医疗机构加强监管，促进民营医疗机构健康发展。

（十五）鼓励民间资本参与发展教育和社会培训事业。支持民间资本兴办高等学校、中小学校、幼儿园、职业教育等各类教育和社会培训机构。修改完善《中华人民共和国民办教育促进法实施条例》，落实对民办学校的人才鼓励政策和公共财政资助政策，加快制定和完善促进民办教育发展的金融、产权和社保等政策，

研究建立民办学校的退出机制。

（十六）鼓励民间资本参与发展社会福利事业。通过用地保障、信贷支持和政府采购等多种形式，鼓励民间资本投资建设专业化的服务设施，兴办养（托）老服务和残疾人康复、托养服务等各类社会福利机构。

（十七）鼓励民间资本参与发展文化、旅游和体育产业。鼓励民间资本从事广告、印刷、演艺、娱乐、文化创意、文化会展、影视制作、网络文化、动漫游戏、出版物发行、文化产品数字制作与相关服务等活动，建设博物馆、图书馆、文化馆、电影院等文化设施。鼓励民间资本合理开发旅游资源，建设旅游设施，从事各种旅游休闲活动。鼓励民间资本投资生产体育用品，建设各类体育场馆及健身设施，从事体育健身、竞赛表演等活动。

五、鼓励和引导民间资本进入金融服务领域

（十八）允许民间资本兴办金融机构。在加强有效监管、促进规范经营、防范金融风险的前提下，放宽对金融机构的股比限制。支持民间资本以入股方式参与商业银行的增资扩股，参与农村信用社、城市信用社的改制工作。鼓励民间资本发起或参与设立村镇银行、贷款公司、农村资金互助社等金融机构，放宽村镇银行或社区银行中法人银行最低出资比例的限制。落实中小企业贷款税前全额拨备损失准备金政策，简化中小金融机构呆账核销审核程序。适当放宽小额贷款公司单一投资者持股比例限制，对小额贷款公司的涉农业务实行与村镇银行同等的财政补贴政策。支持民间资本发起设立信用担保公司，完善信用担保公司的风险补偿机制和风险分担机制。鼓励民间资本发起设立金融中介服务机构，参与证券、保险等金融机构的改组改制。

六、鼓励和引导民间资本进入商贸流通领域

（十九）鼓励民间资本进入商品批发零售、现代物流领域。支持民营批发、零售企业发展，鼓励民间资本投资连锁经营、电子商务等新型流通业态。引导民间资本投资第三方物流服务领域，为民营物流企业承接传统制造业、商贸业的物流业务外包创造条件，支持中小型民营商贸流通企业协作发展共同配送。加快物流业管理体制变革，鼓励物流基础设施的资源整合和充分利用，促进物流企业网络化经营，搭建便捷高效的融资平台，创造公平、规范的市场竞争环境，推进物流服务的社会化和资源利用的市场化。

七、鼓励和引导民间资本进入国防科技工业领域

（二十）鼓励民间资本进入国防科技工业投资建设领域。引导和支持民营企业有序参与军工企业的改组改制，鼓励民营企业参与军民两用技术开发和产业化，允许民营企业按有关规定参与承担军工生产和科研任务。

八、鼓励和引导民间资本重组联合和参与国有企业改革

（二十一）引导和鼓励民营企业利用产权市场组合民间资本，促进产权合理流动，开展跨地区、跨行业兼并重组。鼓励和支持民间资本在国内合理流动，实现产业有序梯度转移，参与西部大开发、东北地区等老工业基地振兴、中部地区崛起以及新农村建设和扶贫开发。支持有条件的民营企业通过联合重组等方式做大做强，发展成为特色突出、市场竞争力强的集团化公司。

(二十二) 鼓励和引导民营企业通过参股、控股、资产收购等多种形式, 参与国有企业的改制重组。合理降低国有控股企业中的国有资本比例。民营企业在参与国有企业改制重组过程中, 要认真执行国家有关资产处置、债务处理和社会保障等方面的政策要求, 依法妥善安置职工, 保证企业职工的正当权益。

九、推动民营企业加强自主创新和转型升级

(二十三) 贯彻落实鼓励企业增加研发投入的税收优惠政策, 鼓励民营企业增加研发投入, 提高自主创新能力, 掌握拥有自主知识产权的核心技术。帮助民营企业建立工程技术研究中心、技术开发中心, 增加技术储备, 搞好技术人才培养。支持民营企业参与国家重大科技计划项目和技术攻关, 不断提高企业技术水平和研发能力。

(二十四) 加快实施促进科技成果转化的鼓励政策, 积极发展技术市场, 完善科技成果登记制度, 方便民营企业转让和购买先进技术。加快分析测试、检验检测、创业孵化、科技评估、科技咨询等科技服务机构的建设和机制创新, 为民营企业的自主创新提供服务平台。积极推动信息服务外包、知识产权、技术转移和成果转化等高新技术服务领域的市场竞争, 支持民营企业开展技术服务活动。

(二十五) 鼓励民营企业加大新产品开发力度, 实现产品更新换代。开发新产品发生的研究开发费用可按规定享受加计扣除优惠政策。鼓励民营企业实施品牌发展战略, 争创名牌产品, 提高产品质量和服务水平。通过加速固定资产折旧等方式鼓励民营企业进行技术改造, 淘汰落后产能, 加快技术升级。

(二十六) 鼓励和引导民营企业发展战略性新兴产业。广泛应用信息技术等高新技术改造提升传统产业, 大力发展循环经济、绿色经济, 投资建设节能减排、节水降耗、生物医药、信息网络、新能源、新材料、环境保护、资源综合利用等具有发展潜力的新兴产业。

十、鼓励和引导民营企业积极参与国际竞争

(二十七) 鼓励民营企业“走出去”, 积极参与国际竞争。支持民营企业在研发、生产、营销等方面开展国际化经营, 开发战略资源, 建立国际销售网络。支持民营企业利用自有品牌、自主知识产权和自主营销, 开拓国际市场, 加快培育跨国企业和国际知名品牌。支持民营企业之间、民营企业与国有企业之间组成联合体, 发挥各自优势, 共同开展多种形式的境外投资。

(二十八) 完善境外投资促进和保障体系。与有关国家建立鼓励和促进民间资本国际流动的政策磋商机制, 开展多种形式的对话交流, 发展长期稳定、互惠互利的合作关系。通过签订双边民间投资合作协定、利用多边协定体系等, 为民营企业“走出去”争取有利的投资、贸易环境和更多优惠政策。健全和完善境外投资鼓励政策, 在资金支持、金融保险、外汇管理、质检通关等方面, 民营企业与其他企业享受同等待遇。

十一、为民间投资创造良好环境

(二十九) 清理和修改不利于民间投资发展的法规政策规定, 切实保护民间投资的合法权益, 培育和维持平等竞争的投资环境。在制订涉及民间投资的法律、法规和政策时, 要听取有关商会和民营企业的意见和建议, 充分反映民营企业的

合理要求。

(三十) 各级人民政府有关部门安排的政府性资金, 包括财政预算内投资、专项建设资金、创业投资引导资金, 以及国际金融组织贷款和外国政府贷款等, 要明确规则、统一标准, 对包括民间投资在内的各类投资主体同等对待。支持民营企业产品和服务进入政府采购目录。

(三十一) 各类金融机构要在防范风险的基础上, 创新和灵活运用多种金融工具, 加大对民间投资的融资支持, 加强对民间投资的金融服务。各级人民政府及有关监管部门要不断完善民间投资的融资担保制度, 健全创业投资机制, 发展股权投资基金, 继续支持民营企业通过股票、债券市场进行融资。

(三十二) 全面清理整合涉及民间投资管理的行政审批事项, 简化环节、缩短时限, 进一步推动管理内容、标准和程序的公开化、规范化, 提高行政服务效率。进一步清理和规范涉企收费, 切实减轻民营企业负担。

十二、加强对民间投资的服务、指导和规范管理

(三十三) 统计部门要加强对民间投资的统计工作, 准确反映民间投资的进展和分布情况。投资主管部门、行业管理部门及行业协会要切实做好民间投资的监测和分析工作, 及时把握民间投资动态, 合理引导民间投资。要加强投资信息平台建设, 及时向社会公开发布国家产业政策、发展建设规划、市场准入标准、国内外行业动态等信息, 引导民间投资者正确判断形势, 减少盲目投资。

(三十四) 建立健全民间投资服务体系。充分发挥商会、行业协会等自律性组织的作用, 积极培育和发展为民间投资提供法律、政策、咨询、财务、金融、技术、管理和市场信息等服务的中介组织。

(三十五) 在放宽市场准入的同时, 切实加强监管。各级人民政府有关部门要依照有关法律法规要求, 切实督促民间投资主体履行投资建设手续, 严格遵守国家产业政策和环保、用地、节能以及质量、安全等规定。要建立完善企业信用体系, 指导民营企业建立规范的产权、财务、用工等制度, 依法经营。民间投资主体要不断提高自身素质和能力, 树立诚信意识和责任意识, 积极创造条件满足市场准入要求, 并主动承担相应的社会责任。

(三十六) 营造有利于民间投资健康发展的良好舆论氛围。大力宣传党中央、国务院关于鼓励、支持和引导非公有制经济发展的方针、政策和措施。客观、公正宣传报道民间投资在促进经济发展、调整产业结构、繁荣城乡市场和扩大社会就业等方面的积极作用。积极宣传依法经营、诚实守信、认真履行社会责任、积极参与社会公益事业的民营企业家的先进事迹。

各地区、各部门要把鼓励和引导民间投资健康发展工作摆在更加重要的位置, 进一步解放思想, 转变观念, 深化改革, 创新求实, 根据本意见要求, 抓紧研究制定具体实施办法, 尽快将有关政策措施落到实处, 努力营造有利于民间投资健康发展的政策环境和舆论氛围, 切实促进民间投资持续健康发展, 促进投资合理增长、结构优化、效益提高和经济社会又好又快发展。

二〇一〇年五月七日