

Administrative measures on special fund for developing trade through science and
technology of Guangdong Province

Chapter 1 General Provisions

Article 1 this measures is formulated in order to strengthen management on special fund for developing trade through science and technology, increase efficiency of fund utilization, further encourage and support exports of high-tech products and technology and improve and optimize export products structure.

Article 2 the Shenzhen city may, by analogy of this measures and in combination with the particular situations of the municipality, formulate special fund for developing trade through science and technology which concerning export enterprises in Shenzhen. The fund shall be raised by the Shenzhen city.

Article 3 special fund for developing trade through science and technology (hereinafter referred to as "Special Fund") is set up in accordance with *Reply To Issue Concerning Setting Up Special Fund For Developing Trade Through Science And Technology* by provincial authorities. The Special Fund shall be arranged by the provincial department of finance and utilized to support the export of high-tech products and technology.

Article 4 the management and utilization of Special Fund shall be in conformity with principles of open and transparent, used for specified purpose only, scientific management and supervision.

Article 5 the provincial department of Foreign Trade And Economic Cooperation shall be in charge of drafting medium-term and long-term plan and annual plan for fund utilization, specifying the major supporting products and approving the projects.

Article 6 the provincial department of finance shall take in charge of financial management, annual budget making, approving and appropriating of the Special Fund, and implement follow-up management of fund and projects.

Chapter 2 Scope and application qualification

Article 7 Application scope of Special Fund

1. The products shall meet the requirements of Catalogue of Chinese New and High-tech Export Products compiled by the Ministry of Science and Technology ("MST"), the MOFTEC, the Ministry of Finance ("MOF"), the State Administration of Taxation ("SAT"), and the General administration of customs ("GAC"); to support export of high-tech product and software product with proprietary intellectual property rights with priority.
2. To export approved technologies via trade and to support export program of technologies combined with full set of equipments with priority.
3. To apply for foreign patents and the implementation of the International Quality System Certification.
4. To expand export markets of high-tech products and technology.
5. Subject study of developing trade through science and technology organized by authorities of foreign trade and economic cooperation in other provinces.
6. Activities organized by provincial authorities to implement expanding export of high-tech products and technologies.

Article 8 Registered export enterprises in Guangdong province (including central enterprises which locate in Guangdong and engage export business, hereinafter referred to as "enterprises"), with legal person qualification and right to engage in import and export business and clear record in foreign trade, finance, export refund, foreign exchange and custom administration, may apply to fund according to export performance or assessment results if the enterprises meet one of the following criteria.

1. Based on custom statistics, with more than 2,000,000 USD of general trade and with the export increasing rate of high-tech products reaching the increasing objective set by the provincial government.
2. Based on custom statistics, with more than 500,000 USD of high-tech products with proprietary intellectual property rights during the general trade.

3. Export of technology and technology with complete set of equipments approved by provincial authorities in charge of foreign trade and economic cooperation (including wined bidding industrial projects abroad and investing in plants with technology and complete set of equipments.
4. With more than 100,000 USD of software or related service in general trade and in conformity with relevant provisions of the state.
5. Where the national recognized famous export brand has registered patent and trade mark abroad.
6. With the ISO9000, ISO14000 and CMM II above(including CMM II) certificate.
7. With "High-tech exports advanced enterprise" recognized by provincial department of foreign trade economic cooperation and department of finance.

Chapter Application procedure

Article 9 Enterprises which meet requirements specified in Article 7 and Article 8 shall apply in the following procedure before April 15 every year.

1. For fund application of asset management companies or enterprises managed by enterprise group which are under the centralized management of provincial government, the asset management company or enterprise group shall apply to the provincial department of Foreign trade and economic cooperation and the provincial department of finance after summarization; other enterprises under the management of provincial government or central enterprises which locate in Guangdong shall directly apply to the provincial department of Foreign trade and economic cooperation and the provincial department of finance.

2. the enterprises under the management of municipal or township government shall, in accordance with relevant provisions of this measures, apply to corresponding departments of foreign trade and economic cooperation and finance. Municipal departments of foreign trade and economic cooperation and finance shall, in

accordance with article 7, article 8 of this measures, jointly review the application documents and compile *Application Form of Special Fund For Developing Trade Through Science And Technology* (Attached after the measures), and report to provincial department of foreign trade and economics and finance.

Article 10 the export enterprises shall fill in *Application Form of Special Fund For Developing Trade Through Science And Technology of Guangdong Province* (attached after this measures) and provide the following materials to apply for Special Fund.

1. Written application report from the enterprise;
2. Business license of the enterprise;
3. the export information of high-tech products and technology of the enterprise in the previous year;
4. the enterprises exporting technology shall provide *Approval certificate of technology export contract*
5. the enterprises with International Quality System Certification or high-tech export product patent abroad shall attach related approval documents and certificates.
6. the subject study of technology trade shall be attached with related approval documents.

Article 11 with regards the expenses incurred from expanding export market of high-tech products and technology and award money for advanced high-tech export enterprises, the provincial department of foreign trade and economic cooperation shall advise for annual budget to provincial department of finance before April 30 every year.

Chapter 4 fund appropriation and financial management

Article 12 the Special Fund shall be appropriated after joint approval of provincial department of foreign trade and economic cooperation and provincial

department of finance, of which, for the enterprises under the management of the provincial government or central enterprises which locate in Guangdong, the provincial department of finance shall appropriate the fund to the enterprises. The Special Fund in the municipal level shall be appropriated from the provincial department of finance to municipal department of finance, while the municipal department of finance shall appropriate the Special Fund to county department of finance or enterprise under management.

Article 13 the provincial department of finance shall review and approve the annual budget of expenses expanding export market and technology and award money to advanced high-tech export enterprises drafted by the provincial department of foreign trade and economic cooperation, and appropriate the fund according to the utilization situation.

Article 14 after receiving the Special Fund, export enterprises shall treat it as reduction of cost in accordance with financial system.

Chapter 5 Supervision and management

Article 15 enterprises or organizations which utilize the Special Fund shall formulate strict management system and regulate procedures to ensure the Special Fund is utilized for the specific purpose only and exert the best benefits.

Article 16 enterprises or organizations which utilize the Special Fund shall report the utilization information to provincial department of foreign trade and economic cooperation and provincial department of finance; where the enterprises are under management of municipal departments, the information shall be reported after summarization in the municipal departments.

Article 17 the provincial department of finance shall be in charge of supervision of the financial management, or entrust public intermediary organizations to check and audit the fund utilization. The provincial department of finance may, jointly with provincial department of foreign trade and economic cooperation, investigate and punish the fund utilization which violates this measures.

Chapter 6 Treatment to fund utilization violates this measures

Article 18 the Special Fund shall be utilized for specific purpose and the following are not allowed:

1. change the utilization scope of the Special Fund
2. Embezzlement, interception, the occupation of the Special Fund
3. to utilize the fund for individual warfare, award, consumption spend or supplement for administrative expense.
4. to apply and receive the Special Fund by fraud materials and vouchers;
5. other conducts which violates laws and regulations.

Article 19 for enterprises which violates Article 18 of this measures, the provincial department of finance may withdraw the appropriated fund; the provincial department of foreign trade and economic cooperation may cancel its application qualification and prohibit it from applying the Special Fund for three years, if the circumstances are serious, administrative sanction shall be forward to the executives or person directly responsible; where such an act constitutes a crime, criminal liability shall be investigated in accordance with the law.

Chapter 7 Supplementary Provisions

Article 20 the provincial department of finance and the provincial department of foreign trade and economic cooperation may, according to requirements of exporting of high-tech products and technology, jointly formulate specific appropriation measures and standards for the Special Fund.

Article 21 this measures shall be jointly explained by provincial department of finance and provincial department of foreign trade and economic cooperation.

Article 22 this measures shall come into force on January 1, 2002.

广东省科技兴贸专项资金管理办法

第一章 总 则

第一条 为加强对科技兴贸专项资金的管理,提高资金使用效益,进一步鼓励和扶持高新技术产品出口和技术出口,改善和优化出口商品结构,特制定本办法。

第二条 深圳市可参照本办法,结合本市实际情况,制定对所辖出口企业的科技兴贸专项资金管理办法,所需资金由本市负责解决。

第三条 科技兴贸专项资金(以下简称“专项资金”)是根据省政府《关于设立科技兴贸专项资金问题的批复》设立,由省财政安排用于支持高新技术产品出口和技术出口的专项资金。

第四条 专项资金的管理和使用应遵循公开透明、专款专用、科学管理、加强监督的原则。

第五条 省外经贸厅负责拟定专项资金中长期规划和年度使用计划,确定专项资金的支持重点,审核资金使用项目。

第六条 省财政厅负责专项资金的财务管理,编制专项资金年度预算,审核和拨付专项资金,并对资金的使用和项目进行跟踪管理。

第二章 适用范围和申请条件

第七条 专项资金适用范围:

- 1、符合科学技术部、对外贸易经济合作部、财政部、国家税务总局、海关总署编制的《中国高新技术产品出口目录》所确定的高新技术产品出口;优先支持拥有自主知识产权的高新技术产品出口和软件产品出口;
- 2、企业以贸易的形式出口国家许可的技术,优先支持技术带成套设备出口项目;
- 3、向国外申请专利及实施国际质量体系认证;

- 4、拓展高新技术产品出口和技术出口市场；
- 5、省外经贸主管部门组织的科技兴贸课题研究；
- 6、省组织的实施拓展高新技术产品出口和技术出口活动。

第八条 依法登记注册，具有法人资格和进出口经营权，在外经贸业务、财务、出口退税、外汇管理、海关监督等方面两年内无违规行为的我省各类出口企业（含承担我省出口任务的中央驻穗企业，以下简称“企业”），符合以下条件之一者，可以按上一年度的出口实绩或评定结果申请专项资金：

- 1、按海关统计数，一般贸易年出口 200 万美元以上，其高新技术产品出口增长比例达到当年省政府预定出口增长目标的；
- 2、按海关统计数，一般贸易出口具有自主知识产权高新技术产品 50 万美元以上的；
- 3、经省外经贸主管部门批准的技术和技术带成套设备的出口（包括在境外竞标中标的工业项目以及以技术和成套设备作为投资办厂等）；
- 4、符合国家有关规定，一般贸易出口软件产品及提供相关技术服务 10 万美元以上的；
- 5、国家认定的名牌出口产品获得国外专利及商标注册的；
- 6、通过 ISO9000、ISO14000 及 CMM 二级以上（含二级）认证的；
- 7、经省外经贸厅、省财政厅认定为“高新技术产品出口先进企业”的。

第三章 申报程序

第九条 符合本办法第七、第八条规定的企业，应于每年 4 月 15 日前按以下程序申报：

- 1、归口省政府授权经营的资产经营公司或企业集团管理的企业，由资产经营公司或企业集团汇总后向省外经贸厅、省财政厅申请；其他省属和中央驻穗企业直接向省外经贸厅、省财政厅申请。
- 2、各市、县所属企业按本办法有关规定向所属市、县外经贸主管部门、财政部门申报。

各市外经贸主管部门、财政部门应按本办法第七条、第八条的规定,对本地区企业的申报材料进行联合初审,并编制《申请科技兴贸专项资金汇总表》(格式附后),于每年4月30日前向省外经贸厅和省财政厅申报。

第十条 出口企业申请专项资金,应按规定填写《广东省科技兴贸专项资金申请书》(格式附后),并提供以下资料:

- 1、企业书面申请报告;
- 2、企业营业执照;
- 3、企业上一年度高新技术产品出口和技术出口情况;
- 4、属技术出口的企业,需提供《技术出口合同批准证书》;
- 5、属获得国际质量体系认证、高新技术出口产品国外专利的企业,需附相关批准文件及证书;
- 6、属技术贸易市场开拓、课题研究的,需附有关批准文件。

第十一条 对拓展高新技术产品出口和技术出口市场的费用以及高新技术产品出口先进企业奖励金,由省外经贸厅每年4月30日前向省财政厅提出年度预算。

第四章 资金拨付和财务处理

第十二条 专项资金经省外经贸厅和省财政厅联合审批后拨付。其中省属和中央驻穗企业由省财政厅直接拨付企业;各市企业专项资金由省财政厅拨付各市财政部门,各市财政部门在收到专项资金后于5个工作日内拨到县级财政部门或所属企业。

第十三条 省财政厅对外经贸厅提出的拓展高新技术产品出口和技术出口市场的费用以及高新技术产品出口先进企业奖励金年度预算进行审核,并根据专项资金使用情况进行拨付。

第十四条 出口企业收到专项资金,应按财务制度规定作冲减有关费用处理。

第五章 监督与管理

第十五条 使用专项资金的企业或单位，应制定严格的管理制度，规范办事程序，确保资金的专款专用，发挥资金的最佳效益。

第十六条 使用专项资金的企业或单位须在专项资金划拨当年年底将使用情况报省外经贸厅和省财政厅，其中市、县企业由所属市外经贸主管部门、财政部门汇总后上报。

第十七条 省财政厅负责对资金的财务管理工作进行监督检查，也可委托社会中介机构对资金使用情况进行财务检查和审计，并会同省外经贸厅对违反规定的行为进行查处。

第六章 对违规使用专项资金的处理

第十八条 专项资金必须专款专用，不得有以下违规行为：

- 1、违反专项资金使用原则，擅自改变使用范围的；
- 2、挪用、截留、侵占专项资金的；
- 3、违反有关规定，用于个人福利、奖励及消费性开支或用于补充行政经费不足的；
- 4、利用虚假材料和凭证骗取专项资金的；
- 5、其他违反本办法及国家有关法律、法规的行为。

第十九条 对违反本办法第十八条规定的企业，省财政厅有权追回已经拨付的款项；省外经贸厅可取消其申请资格，并在三年内不允许其申请使用专项资金；情节严重的，建议有关部门对负有直接责任的主管人员和直接责任人给予行政处分；构成犯罪的，将由司法部门依法追究刑事责任。

第七章 附则

第二十条 省财政厅和省外经贸厅每年可根据全省高新技术产品出口和技术出口发展的需要，联合制定专项资金的具体计拨办法和标准。

第二十一条 本办法由省财政厅会同省外经贸厅解释。

第二十二條 本辦法自 2002 年 1 月 1 日起實施。