

题    目：自由贸易试验区竞争中立制度的法律完善  
——以《自由贸易试验区条例》为视角的分析

摘    要

本文为探究竞争中立制度在中国对外开放新格局下的法律效果。通过列举分析法，对现有《中国自由贸易试验区条例》（以下简称《条例》）中竞争中立制度的相关条文进行概括分析，并结合竞争中立制度的自身特点提出完善建议。分析表明《条例》中的竞争中立制度对于自由贸易试验区的对外开放建设具有实用性；同时发现，由于《条例》中对竞争中立制度基础性地位的错误认知，导致《条例》中的竞争中立制度没有形成具体制度框架且规则适用薄弱。因此本文认为，可以通过对竞争市场公平审查机制的完善和对国有企业法律适用的区分，强化《条例》中竞争中立制度核心价值的认同，从而能够更好地维持我国自贸区自由与公平、开放与包容的市场竞争环境。

**关键词：**竞争中立, 价值制度, 规则适用

## Abstract

This paper aims to explore the legal effect of competitive neutrality system in the new pattern of China's opening to the outside world. Based on the enumerative analysis method, this paper makes a general analysis of the relevant provisions of the competitive neutrality system in the regulations of China pilot free trade zones ( hereinafter referred to as the regulations ), and puts forward some Suggestions to improve the competitive neutrality system according to its own characteristics. The analysis shows that the competitive neutrality system in the regulations is practical for the construction of the pilot free trade zone. At the same time, it is found that due to the wrong cognition of the basic status of the competition neutrality system in the regulations, the competition neutrality system in the regulations does not form a specific institutional framework and the application of rules is weak. Therefore, this paper holds that the core value of competition neutrality system in the regulations can be recognized by improving the review mechanism of competition market fairness and differentiating the application of laws to state-owned enterprises, so as to better maintain a free, fair and open market competition environment in the pilot free trade zone.

**Key words:** competitive neutrality policy, value system, rule application.

## 目 录

引言 .....	1
一、竞争中立制度理论分析 .....	1
(一) 竞争中立制度的起源与发展 .....	1
(二) 竞争中立制度的价值认知 .....	3
(三) 竞争中立制度的行为准则 .....	5
二、《自由贸易试验区条例》竞争中立的解读分析 .....	6
(一) 《自由贸易试验区条例》列举分析 .....	6
(二) 《自由贸易试验区条例》竞争中立的不足 .....	10
1. 忽略了竞争中立制度的基础性地位 .....	10
2. 没有形成“竞争中立”原则具体的制度框架 .....	11
3. 竞争中立制度的规则适用过于薄弱 .....	12
三、自由贸易试验区竞争中立制度的法律适用与完善 .....	12
(一) 明确竞争中立制度的价值地位 .....	12
(二) 完善竞争中立制度结构框架 .....	13
1. 完善竞争中立制度的公平审查机制 .....	13
2. 为竞争中立制度保留除外事项 .....	14
3. 确立完善信息披露制度 .....	15
(三) 加强竞争中立制度规则的法律适用效力 .....	15
结语 .....	16
参考文献 .....	17
致谢 .....	19

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