

Chinese-English

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中国对外贸易与 经济合作法律法规

Foreign Trade & Economy Cooperation
Laws and Regulations of China

中英对照法规
英文译本 中文边注

对外贸易

Foreign Trade

海关与海商

Customs and Maritime

商检与检疫

Commodity Inspection and Quarantine

出入境管理

Control of Exit and Entry

经济合作

Economy Cooperation



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LAW PRESS CHINA

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编者前言

近些年来,我国的立法进程可以用日新月异来形容,而相应的法律法规的英文译本翻译出版工作却一直没有做到紧随其后。法律法规的英文翻译出版工作是我国加入世界贸易组织后必须承担的法律义务;而法律的英文译本是世界各国了解中国法律的重要路径之一,是增强中国法律透明度、让想在中国进行投资的外资企业更好地了解中国法律环境的最佳保证,也是法学专业学生学习法律英语的最好范本和涉外律师办理涉外业务的必备工具。

目前,市场上可用的法律英文译本图书不是比较分散,就是比较昂贵的精装本。为了让更多对法律英文有需要的人士有一套使用方便的工具书,我们编辑整理了本套“中国法律法规中英对照系列”丛书。本丛书共分七册出版,分别为《中国刑法与刑事诉讼法》、《中国民事法律法规》、《中国行政与劳动法律法规》、《中国公司企业法律法规》、《中国金融财会法律法规》、《中国对外贸易与经济合作法律法规》和《中国建筑与房地产法律法规》,基本涵盖了刑事、民事、行政、劳动、经济、金融、商贸领域的大部分法律及行政法规。

本丛书采用方便读者使用阅读的中英文逐条当页对照的排版方式进行编辑,同时,以低定价为所有对法律英文有需求的读者提供了一套极佳的案头工具书。我们希望我们的工作能够切实满足各届人士的需要,以她的权威、实用带给读者无限的使用方便,也希望读者对我们工作中存在的问题提出宝贵的意见和建议。

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2007年4月

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Falu Zhushiben Xilie

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[Foreign Trade]

[外 贸]

**Foreign Trade Law of the
People's Republic of China**

**中华人民共和国
对外贸易法**

(Adopted at the 7th Meeting of the Standing Committee
of the Eighth National People's Congress on May 12,
1994 and amended at the 8th Meeting of the
Standing Committee of the Tenth National
People's Congress on April 6, 2004)

(1994年5月12日第
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会议通过 2004年4
月6日第十届全国人
民代表大会常务委员
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**Chapter I
General Provisions**

**第一章
总 则**

Article 1 This Law is enacted with a view to
opening wider to the outside world, developing foreign

第一条 为了扩大
对外开放,发展对外贸
易,维护对外贸易秩序,

trade, maintaining foreign trade order, protecting the legitimate rights and interests of foreign trade dealers and promoting the sound development of the socialist market economy.

Article 2 This Law is applicable to foreign trade and the protection of foreign-trade-related aspects of intellectual property rights.

For purposes of this Law, foreign trade refers to the import and export of goods and technologies, and international service trade.

Article 3 The department for foreign trade under the State Council is in charge of foreign trade throughout the country pursuant to this Law.

Article 4 The State applies a unified system of foreign trade, encourages the development of foreign trade and preserves a fair and free foreign trade order.

Article 5 The People's Republic of China, on the principle of equality and mutual benefit, promotes and develops trade relations with other countries and regions, concludes or accedes to such regional economic and trade agreements as tariff alliances agreement and free trade zone agreement, and joins regional economic organizations.

Article 6 In the field of foreign trade, the People's Republic of China, in accordance with the international treaties and agreements it has signed or acceded to, grants the other signatories or acceding parties most-favored-nation treatment or national treatment, or on the principle of mutual benefit and reciprocity, grants the other party most-favored-nation treatment or national treatment, etc.

Article 7 In the event that any country or region adopts prohibitive, restrictive or other similar measures that are discriminatory in nature against the People's

保护对外贸易经营者的合法权益,促进社会主义市场经济的健康发展,制定本法。

第二条 本法适用于对外贸易以及与对外贸易有关的知识产权保护。

本法所称对外贸易,是指货物进出口、技术进出口和国际服务贸易。

第三条 国务院对外贸易主管部门依照本法主管全国对外贸易工作。

第四条 国家实行统一的对外贸易制度,鼓励发展对外贸易,维护公平、自由的对外贸易秩序。

第五条 中华人民共和国根据平等互利的原则,促进和发展同其他国家和地区的贸易关系,缔结或者参加关税同盟协定、自由贸易区协定等区域经济贸易协定,参加区域经济组织。

第六条 中华人民共和国在对外贸易方面根据所缔结或者参加的国际条约、协定,给予其他缔约方、参加方最惠国待遇、国民待遇等等待遇,或者根据互惠、对等原则给予对方最惠国待遇、国民待遇等等待遇。

第七条 任何国家或者地区在贸易方面对中华人民共和国采取歧视性的禁止、限制或者

Republic of China in trade, the People's Republic of China may, in light of the actual conditions, take countermeasures against the country or region accordingly.

Chapter II Foreign Trade Dealers

Article 8 For purposes of this Law, foreign trade dealers refer to the legal persons, other organizations or individuals that have gone through the formalities of industrial, commercial or other registration in accordance with law and engage in foreign trade activities in compliance with the provisions of this Law and relevant laws and administrative regulations.

Article 9 A foreign trade dealer who intends to engage in the import and export of goods or technologies shall register with the department for foreign trade under the State Council or the body it entrusts with the registration, unless otherwise prescribed by laws, administrative regulations or by the said department. The specific measures for registration shall be formulated by the department.

Where a foreign trade dealer fails to register as required by regulations, the Customs shall not process the procedures of declaration, inspection and release for the import or export of goods.

Article 10 The units and individuals engaged in international trade in services shall observe the provisions of this Law, and of the relevant laws and administrative regulations.

The units engaged in contracted construction of foreign projects or service cooperation with other countries

其他类似措施的,中华人民共和国可以根据实际情况对该国家或者该地区采取相应的措施。

第二章 对外贸易经营者

第八条 本法所称对外贸易经营者,是指依法办理工商登记或者其他执业手续,依照本法和有关法律、行政法规的规定从事对外贸易经营活动的法人、其他组织或者个人。

第九条 从事货物进出口或者技术进出口的对外贸易经营者,应当向国务院对外贸易主管部门或者其委托的机构办理备案登记;但是,法律、行政法规和国务院对外贸易主管部门规定不需要备案登记的除外。备案登记的具体办法由国务院对外贸易主管部门规定。

对外贸易经营者未按照规定办理备案登记的,海关不予办理进出口货物的报关验放手续。

第十条 从事国际服务贸易,应当遵守本法和有关法律、行政法规的规定。

从事对外工程承包或者对外劳务合作的单位,应当具备相应的资

shall have the necessary eligibility or qualification. The specific measures in this regard shall be formulated by the State Council.

Article 11 The State may put the import and export of certain goods under the control of State-operated trading. Such goods shall only be imported and exported by the authorized enterprises, except the import and export of certain quantities of the goods under State-operated trading which the State permits to be operated by unauthorized enterprises.

The catalogues of the goods under the control of State-operated trading and the authorized enterprises shall be determined, adjusted and published by the department for foreign trade under the State Council in conjunction with the relevant department under the State Council.

Where, in violation of the provisions in the first paragraph of this Article, the goods under State-operated trading are imported or exported without authorization, the Customs shall not grant to them clearance.

Article 12 A foreign trade dealer may accept the entrustment by another person to engage in foreign trade as an agent within the scope of its business operations.

Article 13 A foreign trade dealer shall, in accordance with the regulations laid down according to law by the department for foreign trade under the State Council or any other relevant department under the State Council, submit to relevant departments the documents and information related to its foreign trade activities. The latter shall keep the business secrets for the former.

质或者资格。具体办法由国务院规定。

第十一条 国家可以对部分货物的进出口实行国营贸易管理。实行国营贸易管理货物的进出口业务只能由经授权的企业经营；但是，国家允许部分数量的国营贸易管理货物的进出口业务由非授权企业经营的除外。

实行国营贸易管理的货物和经授权经营企业的目录，由国务院对外贸易主管部门会同国务院其他有关部门确定，调整并公布。

违反本条第一款规定，擅自进出口实行国营贸易管理的货物的，海关不予放行。

第十二条 对外贸易经营者可以接受他人的委托，在经营范围内代为办理对外贸易业务。

第十三条 对外贸易经营者应当按照国务院对外贸易主管部门或者国务院其他有关部门依法作出的规定，向有关部门提交与其对外贸易经营活动有关的文件及资料。有关部门应当为提供者保守商业秘密。

Chapter III Import and Export of Goods and Technologies

第三章 货物进出口与 技术进出口

Article 14 The State permits free import and export of goods and technologies, except where otherwise provided for in laws and administrative regulations.

Article 15 The department for foreign trade under the State Council may, based on the need to monitor imports and exports, implement an automatic import and export licensing system for certain goods subject to free import and export and shall publish the catalogue thereof.

Where the consignee or consigner, before going through the Customs declaration formalities, submits an application for automatic licensing for the import or export of the goods under such licensing, the department for foreign trade under the State Council or its authorized department shall grant permission to it. The Customs shall not grant clearance to the goods for which the formalities for automatic licensing are not gone through.

In the case of importing or exporting technologies subject to free import and export, the contracts thereof shall be registered with the department for foreign trade under the State Council or the authority it entrusts with such registration.

Article 16 For the following reasons, the State may restrict or prohibit the import or export of relevant goods and technologies:

(1) for safeguarding State security, and public interests and ethics, it is necessary to restrict or prohibit their import and export;

第十四条 国家准许货物与技术的自由进出口。但是,法律、行政法规另有规定的除外。

第十五条 国务院对外贸易主管部门基于监测进出口情况的需要,可以对部分自由进出口的货物实行进出口自动许可并公布其目录。

实行自动许可的进出口货物,收货人、发货人在办理海关报关手续前提出自动许可申请的,国务院对外贸易主管部门或者其委托的机构应当予以许可;未办理自动许可手续的,海关不予放行。

进出口属于自由进出口的技术,应当向国务院对外贸易主管部门或者其委托的机构办理合同备案登记。

第十六条 国家基于下列原因,可以限制或者禁止有关货物、技术的进口或者出口:

(一)为维护国家安全、社会公共利益或者公共道德,需要限制或者禁止进口或者出口的;

(2) for protecting human health or safety, the lives or health of animals and plants, or the environment, it is necessary to restrict or prohibit their import or export;

(3) for implementing the measures related to the import and export of gold and silver, it is necessary to restrict or prohibit their import or export;

(4) because of short supply on domestic market or for effective conservation of exhaustible natural resources, it is necessary to restrict or prohibit their export;

(5) because of the limited market capacity of the importing country or region, it is necessary to restrict their export;

(6) because of serious chaos in export order, it is necessary to restrict their export;

(7) for establishing or speeding up the establishment of a particular domestic industry, it is necessary to restrict their import;

(8) it is necessary to restrict the import of agricultural, animal husbandry and fishery products of any form;

(9) for maintaining the State's international financial position and the balance of international receipts and payments, it is necessary to restrict their import;

(10) other goods the import or export of which needs to be restricted or prohibited, as required by laws and administrative regulations; or

(11) other goods the import or export of which needs to be restricted or prohibited in accordance with the provisions of international treaties or agreements signed or acceded to by the People's Republic of China.

Article 17 With regard to the import and export of goods and technologies related to fissile and fusion

(二)为保护人的健康或者安全,保护动物、植物的生命或者健康,保护环境,需要限制或者禁止进口或者出口的;

(三)为实施与黄金或者白银进出口有关的措施,需要限制或者禁止进口或者出口的;

(四)国内供应短缺或者为有效保护可能用竭的自然资源,需要限制或者禁止出口的;

(五)输往国家或者地区的市场容量有限,需要限制出口的;

(六)出口经营秩序出现严重混乱,需要限制出口的;

(七)为建立或者加快建立国内特定产业,需要限制进口的;

(八)对任何形式的农业、牧业、渔业产品有必要限制进口的;

(九)为保障国家国际金融地位和国际收支平衡,需要限制进口的;

(十)依照法律、行政法规的规定,其他需要限制或者禁止进口或者出口的;

(十一)根据我国缔结或者参加的国际条约、协定的规定,其他需要限制或者禁止进口或者出口的。

第十七条 国家对与裂变、聚变物质或者衍生此类物质的物质有关