



双语教学法规丛书 法律英语教学最佳读物

English-Chinese

Bilingual Education Series with Laws and Regulations

经济法

双语对照法规
英文译本 中文边注

Economic Law



法律出版社
LAW PRESS · CHINA



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Bilingual Education Series with Laws and Regulations (English Translation/Chinese Note)

法律出版社法规中心 编

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编者的话

我们上学的时候,中国好事不断,先是出了个神奇的李阳,带着他的“疯狂”扫过大江南北,掀起了学习英语的滚滚热潮;继而申奥的成功和WTO的加入又为大家的激情注入了更为亢奋的血液。那个时候的我们,似乎觉得自己英语水平还算可以,可是踏入了工作大门之后,才发现自己在庞大的法律专业英语面前不过是井底之蛙,才发现以法律为专业的我们在本专业面前竟会手足无措得像一群初学者——懂得英语却未必能读懂法律英语条文,这似乎成了很多法学专业学生的通病。

为了让现在的你们能在学习专业法律知识的同时就掌握标准的法律英语,熟悉并运用法律专有名词。为了帮助更多的学生成为一名真正面向社会、面向未来的现代法律工作者,我们特地编辑了这套《双语教学法规》丛书。该套丛书共分六册出版,分别为《民法与民事诉讼法》、《刑法与刑事诉讼法》、《行政法与行政诉讼法》、《宪法》、《经济法》、《商法》。

整套丛书运用标准权威的法律英文译本——所有译本均由我国立法机关全国人大法律工作委员会提供、合理的排版方式——中英文逐条当页对照、独具特色的设计风格——特殊的A5开本和低成本的定价策略,为所有法律专业的学生提供了一套案头必备的学习手册。我们希望我们的工作能真正迎时势之需,创出一代精品,也希望她的权威、实用和方便带给你无限的喜悦和灿烂的明天。

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**Law of the People's Republic of
China on Industrial Enterprises
Owned by the Whole People**

(Adopted at the First Session of the Seventh National People's Congress and promulgated by Order No. 3 of the President of the People's Republic of China on April 13, 1988, and effective as of August 1, 1988)

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**Chapter I
General Provisions**

Article 1 This Law is formulated in accordance with the Constitution of the People's Republic of China with a view to ensuring the consolidation and development of the economic sector under ownership by the whole people, defining the rights and obligations of

**中华人民共和国
全民所有制工业
企业法**

(1988年4月13日第七届全国人民代表大会第一次会议通过 1988年4月13日中华人民共和国主席令第三号公布 自1988年8月1日起施行)

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**第一章
总 则**

第一条 为保障全民所有制经济的巩固和发展,明确全民所有制工业企业的权利和义务,保障其合法权益,增强其活力,促进社会主义现代化建设,根据《中华人民共

industrial enterprises owned by the whole people, safeguarding their lawful rights and interests, enhancing their vitality and promoting socialist modernization.

Article 2 An industrial enterprise owned by the whole people (hereinafter referred to as the enterprise) shall be a socialist commodity production and operation unit which shall, in accordance with law, make its own managerial decisions, take full responsibility for its profits and losses and practise independent accounting.

The property of the enterprise shall be owned by the whole people, and shall be operated and managed by the enterprise with the authorization of the State in line with the principle of the separation of ownership and managerial authority. The enterprise shall enjoy the rights to possess, utilize and dispose of, according to law, the property which the State has authorized it to operate and manage.

The enterprise shall obtain the status of a legal person in accordance with law and bear civil liability with the property which the State has authorized it to operate and manage.

The enterprise may, in accordance with the decision of the competent department of the government, adopt contract, leasing or other forms of the system of managerial responsibility.

Article 3 The fundamental task of the enterprise shall be the development of commodity production, creation of wealth, increase of savings and satisfaction of society's growing material and cultural requirements by acting in line with State plans and market demands.

Article 4 While achieving socialist material growth, the enterprise must persistently promote socialist cultural and ideological progress and build up a contingent

和国宪法》,制定本法。

第二条 全民所有制工业企业(以下简称企业)是依法自主经营、自负盈亏、独立核算的社会主义商品生产和经营单位。

企业的财产属于全民所有,国家依照所有权和经营权分离的原则授予企业经营管理。企业对国家授予其经营管理的财产享有占有、使用和依法处分的权利。

企业依法取得法人资格,以国家授予其经营管理的财产承担民事责任。

企业根据政府主管部门的决定,可以采取承包、租赁等经营责任制形式。

第三条 企业的根本任务是:根据国家计划 and 市场需求,发展商品生产,创造财富,增加积累,满足社会日益增长的物质和文化生活需要。

第四条 企业必须坚持在建设社会主义物质文明的同时,建设社会主义精神文明,建设有理

of well-educated and selfdisciplined staff and workers with high ideals and moral integrity.

Article 5 The enterprise must observe the laws and regulations and keep to the socialist orientation.

Article 6 The enterprise must effectively utilize the property which the State has authorized it to operate and manage and realize the multiplication of its assets; the enterprise must, according to law, pay taxes and fees and hand in profits.

Article 7 The enterprise shall implement the system whereby the factory director (manager) assumes overall responsibility for the work of the enterprise.

The factory director shall exercise functions and powers according to law, which shall be protected by law.

Article 8 The grassroots organization of the Chinese Communist Party in the enterprise shall guarantee and supervise the implementation of the guiding principles and policies of the Party and the State in the enterprise.

Article 9 The State shall ensure that the staff and workers enjoy the status of the masters, and the lawful rights and interests of the staff and workers shall be protected by law.

Article 10 The enterprise shall, through the staff and workers' congress and other forms, practise democratic management.

Article 11 The trade union in the enterprise shall represent and safeguard the interests of the staff and workers and conduct its work independently according to law. The trade union in the enterprise shall organize the staff and workers for participation in democratic

想、有道德、有文化、有纪律的职工队伍。

第五条 企业必须遵守法律、法规,坚持社会主义方向。

第六条 企业必须有效地利用国家授予其经营管理的财产,实现资产增值;依法缴纳税金、费用、利润。

第七条 企业实行厂长(经理)负责制。

厂长依法行使职权,受法律保护。

第八条 中国共产党在企业中的基层组织,对党和国家的方针、政策在本企业的贯彻执行实行保证监督。

第九条 国家保障职工的主人翁地位,职工的合法权益受法律保护。

第十条 企业通过职工代表大会和其它形式,实行民主管理。

第十一条 企业工会代表和维护职工利益,依法独立自主地开展工作。企业工会组织职工参加民主管理和民主监督。

企业应当充分发挥

management and democratic supervision. The enterprise shall bring into full play the role of the young staff and workers, the women staff and workers and scientific and technical personnel.

Article 12 The enterprise must strengthen and improve its operation and management, implement the economic responsibility system, promote scientific and technological progress, practise economy, combat waste, improve economic results and further its own transformation and development.

Article 13 The enterprise shall implement the principle of distribution according to work. It may also adopt other forms of distribution within the scope prescribed by law.

Article 14 The property which the State has authorized the enterprise to operate and manage shall be protected by law and shall not be infringed upon.

Article 15 The lawful rights and interests of the enterprise shall be protected by law and shall not be infringed upon.

Chapter II

The Establishment, Modification and Termination of the Enterprise

Article 16 The establishment of the enterprise must conform to the law and the relevant provisions of the State Council, and the application for the establishment must be submitted to the government or the competent department of the government for examination and approval. The enterprise shall obtain the status of a legal person after it is approved by, registers itself with and receives a business license from the

青年职工、女职工和科学技术人员的作用。

第十二条 企业必须加强和改善经营管理,实行经济责任制,推进科学技术进步,厉行节约,反对浪费,提高经济效益,促进企业的改造和发展。

第十三条 企业贯彻按劳分配原则。在法律规定的范围内,企业可以采取其它分配方式。

第十四条 国家授予企业经营管理的财产受法律保护,不受侵犯。

第十五条 企业的合法权益受法律保护,不受侵犯。

第二章

企业的设立、变更和终止

第十六条 设立企业,必须依照法律和国务院规定,报请政府或者政府主管部门审核批准。经工商行政管理部门核准登记、发给营业执照,企业取得法人资格。

administrative authorities for industry and commerce.

The enterprise shall carry out its productive and operational activities within the approved and registered scope of operation.

Article 17 An enterprise must meet the following qualifications for its establishment:

- (1) Its products are needed by society;
- (2) It has access to the required energy sources, raw and processed materials, and communication and transportation facilities;
- (3) It possesses a name of its own and premises for production and operation;
- (4) It possesses funds in conformity with State provisions;
- (5) It possesses its own organizational structure;
- (6) It has a definite scope of operation; and
- (7) Other qualifications as provided by the laws and regulations;

Article 18 The merger of enterprises or the division of an enterprise shall be subject to approval by the government or the competent department of the government in accordance with the provisions of the laws and administrative rules and regulations.

Article 19 An enterprise shall be terminated for any of the following reasons;

- (1) being abolished due to its violation of the laws and regulations;
 - (2) being dissolved by decision of the competent department of the government made in accordance with the provisions of the laws and regulations;
 - (3) being declared bankrupt in accordance with law;
- or
- (4) other reasons.

企业应当在核准登记的经营范围内从事生产经营活动。

第十七条 设立企业必须具备以下条件:

- (一) 产品为社会所需要。
- (二) 有能源、原材料、交通运输的必要条件。
- (三) 有自己的名称和生产经营场所。
- (四) 有符合国家规定的资金。
- (五) 有自己的组织机构。
- (六) 有明确的经营范围。
- (七) 法律、法规规定的其它条件。

第十八条 企业合并或者分立, 依照法律、行政法规的规定, 由政府或者政府主管部门批准。

第十九条 企业由于下列原因之一终止:

- (一) 违反法律、法规被责令撤销。
- (二) 政府主管部门依照法律、法规的规定决定解散。
- (三) 依法被宣告破产。
- (四) 其它原因。

Article 20 When an enterprise is merged with another enterprise or other enterprises or when it is divided or terminated, its property must be protected and its claims and debts shall be liquidated according to law.

Article 21 The modification of registered items such as the merger of enterprises and the division or termination of the enterprise, and the scope of operation shall be subject to approval by and registration with the administrative authorities for industry and commerce.

Chapter III Rights and Obligations of the Enterprise

Article 22 The enterprise shall, under the guidance of State plans, have the right to arrange on its own the production of products needed by society or the provision of services for society.

Article 23 The enterprise shall have the right to request for the adjustment of mandatory plans when the needed materials subject to planned allocation are unavailable or when no arrangements are made for product sales.

The enterprise shall have the right to accept or reject production assignments given by any department or unit outside the mandatory plans.

Article 24 The enterprise shall have the right to sell its products on its own, except as otherwise stipulated by the State Council.

An enterprise undertaking production according to a mandatory plan shall have the right to market for itself products manufactured in excess of the planned quota and products it retains as its share under the plan.

第二十条 企业合并、分立或者终止时,必须保护其财产,依法清理债权、债务。

第二十一条 企业的合并、分立、终止,以及经营范围等登记事项的变更,须经工商行政管理部门核准登记。

第三章 企业的权利 和义务

第二十二条 在国家计划指导下,企业有权自行安排生产社会需要的产品或者为社会提供服务。

第二十三条 企业有权要求调整没有必需的计供应物资或者产品销售安排的指令性计划。

企业有权接受或者拒绝任何部门和单位在指令性计划外安排的生产任务。

第二十四条 企业有权自行销售本企业的产品。国务院另有规定的除外。

承担指令性计划的企业,有权自行销售计划外超产的产品和计划内分成的产品。

Article 25 The enterprise shall have the right to choose the suppliers for itself and purchase from them materials needed for production.

Article 26 The enterprise shall have the right to determine for itself the prices of its products and the charges for its services, except for those which, as stipulated by the State Council, are under the control of the price authorities and the relevant competent departments.

Article 27 The enterprise shall have the right to negotiate and sign contracts with foreign parties in accordance with the provisions of the State Council.

The enterprise shall have the right to withdraw and use, according to the provisions of the State Council, the foreign exchange revenues it retains as its share.

Article 28 The enterprise shall have the right to budget and use its retained funds in accordance with the provisions of the State Council.

Article 29 The enterprise shall have the right, in accordance with the provisions of the State Council, to lease out or transfer with compensation the fixed assets that the State has authorized it to operate and manage, but the proceeds therefrom must be used for the renewal of equipment and technical transformation.

Article 30 The enterprise shall have the right to determine such forms of wages and methods of bonus distribution as are appropriate to its specific conditions.

Article 31 The enterprise shall have the right to employ or dismiss its staff and workers in accordance with the provisions of the State Council.

Article 32 The enterprise shall have the right to decide on its organizational structure and the size of its personnel.

第二十五条 企业有权自行选择供货单位,购进生产需要的物资。

第二十六条 除国务院规定由物价部门和有关主管部门控制价格的以外,企业有权自行确定产品价格、劳务价格。

第二十七条 企业有权依照国务院规定与外商谈判并签订合同。

企业有权依照国务院规定提取和使用分成的外汇收入。

第二十八条 企业有权依照国务院规定支配使用留用资金。

第二十九条 企业有权依照国务院规定出租或者有偿转让国家授予其经营管理的固定资产,所得的收益必须用于设备更新和技术改造。

第三十条 企业有权确定适合本企业情况的工资形式和奖金分配办法。

第三十一条 企业有权依照法律和国务院规定录用、辞退职工。

第三十二条 企业有权决定机构设置及其人员编制。

Article 33 The enterprise shall have the right to reject the exaction of its manpower, materials and financial resources in the form of apportionment by any State organ or unit. Except as otherwise stipulated by the laws and regulations, any demand made on the enterprise by any State organ or unit in any form for the provision of manpower, materials and financial resources shall be exaction by apportionment.

Article 34 The enterprise shall have the right, in accordance with law and the provisions of the State Council, to engage in joint operations with other enterprises or institutions, to invest in other enterprises or institutions and to hold shares in other enterprises.

The enterprise shall have the right to issue bonds in accordance with the provisions of the State Council.

Article 35 The enterprise must fulfil the mandatory plans.

The enterprise must perform the contracts concluded according to law.

Article 36 The enterprise must ensure the normal maintenance of its fixed assets and upgrade and renew its equipment.

Article 37 The enterprise must observe State provisions concerning finance, labour and wages, price control, etc., and accept supervision by the financial, auditing, labour and wage, price and other administrative authorities.

Article 38 The enterprise must guarantee the quality of its products and services and be responsible to users and consumers.

Article 39 The enterprise must raise labour efficiency, economize the use of energy and of raw and processed materials and strive to reduce costs.

第三十三条 企业有权拒绝任何机关和单位向企业摊派人力、物力、财力。除法律、法规另有规定外,任何机关和单位以任何方式要求企业提供人力、物力、财力的,都属于摊派。

第三十四条 企业有权依照法律和国务院规定与其它企业、事业单位联营,向其它企业、事业单位投资,持有其它企业的股份。

企业有权依照国务院规定发行债券。

第三十五条 企业必须完成指令性计划。

企业必须履行依法订立的合同。

第三十六条 企业必须保障固定资产的正常维修,改进和更新设备。

第三十七条 企业必须遵守国家关于财务、劳动工资和物价管理等方面的规定,接受财政、审计、劳动工资和物价等机关的监督。

第三十八条 企业必须保证产品质量和服务质量,对用户和消费者负责。

第三十九条 企业必须提高劳动效率,节约能源和原材料,努力降低成本。

Article 40 The enterprise must strengthen its security work, maintain the order of production and protect State property.

Article 41 The enterprise must implement the system of safe production, improve labour conditions, do good work in labour protection and environmental protection, and carry on production in a safe and civilized manner.

Article 42 The enterprise shall strengthen ideological and political education, legal education, national defence education, scientific and cultural education as well as technical and vocational training so as to raise the quality of its staff and workers.

Article 43 The enterprise shall support its staff and workers in scientific research, invention and creation and activities for technical novation, for making rationalization proposals and for socialist labour emulation, and reward them for such endeavors.

Chapter IV The Factory Director

Article 44 Except as otherwise stipulated by the State Council, the selection of the factory director shall be made by the competent department of the government in the light of the specific conditions of the enterprise by one of the following methods:

(1) appointment by the competent department of the government or choice of an applicant on a competitive basis by the same department; or

(2) election by the staff and workers' congress of the enterprise.

With respect to the person to be appointed or the

第四十条 企业必须加强保卫工作,维护生产秩序,保护国家财产。

第四十一条 企业必须贯彻安全生产制度,改善劳动条件,做好劳动保护和环境保护工作,做到安全生产和文明生产。

第四十二条 企业应当加强思想政治教育、法制教育、国防教育、科学文化教育和技术业务培训,提高职工队伍的素质。

第四十三条 企业应当支持和奖励职工进行科学研究、发明创造,开展技术革新、合理化建议和社会主义劳动竞赛活动。

第四章 厂 长

第四十四条 厂长的产生,除国务院另有规定外,由政府主管部门根据企业的情况决定采取下列一种方式:

(一) 政府主管部门委任或者招聘。

(二) 企业职工代表大会选举。

政府主管部门委任

applicant to be chosen as factory director by the competent department of the government, the opinions of the staff and workers shall be solicited, with respect to the person elected as factory director by the staff and workers' congress of the enterprise, his appointment shall be reported to the competent department of the government for approval.

The removal or dismissal of the factory director appointed or chosen from applicants by the competent department of the government shall be decided upon by such department, while the opinions of representatives of the staff and workers shall be solicited; the recall of the factory director elected by the staff and workers' congress of the enterprise shall be decided by such congress and reported to the competent department of the government for approval.

Article 45 The factory director shall be the legal representative of the enterprise.

The enterprise shall establish a system of production, operation and management headed by the factory director. The factory director shall occupy the central position in the enterprise and assume overall responsibility for building up a materially developed and culturally and ideologically advanced enterprise.

The factory director shall exercise leadership in the production, operation and management of the enterprise by exercising the following functions and powers:

(1) to decide on the various plans of the enterprise or report them for examination and approval in accordance with law and the provisions of the State Council.

(2) to decide on the administrative setup of the enterprise;

(3) to propose to the competent department of the

或者招聘的厂长人选,须征求职工代表的意见;企业职工代表大会选举的厂长,须报政府主管部门批准。

政府主管部门委任或者招聘的厂长,由政府主管部门免职或者解聘,并须征求职工代表的意见;企业职工代表大会选举的厂长,由职工代表大会罢免,并须报政府主管部门批准。

第四十五条 厂长是企业的法定代表人。

企业建立以厂长为首的生产经营管理系统。厂长在企业中处于中心地位,对企业的物质文明建设和精神文明建设负有全面责任。

厂长领导企业的生产经营管理工作,行使下列职权:

(一) 依照法律和国务院规定,决定或者报请审查批准企业的各项计划。

(二) 决定企业行政机构的设置。

(三) 提请政府主管

government the appointment or removal, employment or dismissal of leading administrative cadres at the level of a vice-director of the factory, except as otherwise stipulated by law and the provisions of the State Council;

(4) to appoint or remove, employ or dismiss the intermediate-level leading administrative cadres of the enterprise, except as otherwise stipulated by law;

(5) to propose plans for wage adjustment and bonus distribution and important rules and regulations, and refer them to the staff and workers' congress for examination and approval; to propose programmes for the use of the welfare fund and make suggestions regarding such other matters as are important for the well-being and benefits of the staff and workers, and to refer them to the staff and workers' congress for deliberation and decision; and

(6) to reward or punish the staff and workers according to law; to submit to the competent department of the government proposals for rewarding or punishing leading administrative cadres at the level of a vice-director of the factory.

Article 46 The factory director must rely on the staff and workers for the fulfilment of the obligations of the enterprise prescribed in this Law, support the work of the staff and workers' congress, the trade union and other public organizations, and implement the decisions made according to law by the staff and workers' congress.

Article 47 The enterprise shall establish a management committee or some other forms of organization to assist the factory director in making decisions on important issues of the enterprise. The management committee, with the factory director as its

部门任免或者聘任、解聘厂级行政领导干部。法律和国务院另有规定的除外。

(四)任免或者聘任、解聘企业中层行政领导干部。法律另有规定的除外。

(五)提出工资调整方案、奖金分配方案和重要的规章制度,提请职工代表大会审查同意。提出福利基金使用方案和其它有关职工生活福利的重大事项的建议,提请职工代表大会审议决定。

(六)依法奖惩职工;提请政府主管部门奖惩厂级行政领导干部。

第四十六条 厂长必须依靠职工群众履行本法规定的企业的各项义务,支持职工代表大会、工会和其它群众组织的工作,执行职工代表大会依法作出的决定。

第四十七条 企业设立管理委员会或者通过其它形式,协助厂长决定企业的重大问题。管理委员会由企业各方面的负责人和职工代表组