



外汇体制改革专辑

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前 言

为了配合外汇管理体制改革的深入广泛地向广大群众宣传体制改革的方针、政策、法规,国家外汇管理局政策法规司、办公室组织编辑了《外汇体制改革专辑》一书。

本书将1994年1月以来发布的外汇体制改革的决定、办法、规定、具体的操作细则及有关凭证样本等汇编成册,供广大外汇管理部门、金融管理部门、涉外单位的干部学习使用。

本书所收材料时间截止到1994年3月31日。

编 者

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中国人民银行关于进一步 改革外汇管理体制的公告

(1993年12月28日中国人民银行发布)

为促进社会主义市场经济体制的建立和进一步对外开放,推动我国国民经济的持续、快速、健康发展,根据国务院决定,从1994年1月1日起,进一步改革我国的外汇管理体制。现公告如下:

一、实行外汇收入结汇制,取消外汇分成

境内所有企事业单位、机关和社会团体的各类外汇收入必须及时调回境内。属于下列范围内的外汇收入(外商投资企业除外),均须按银行挂牌汇率,全部结售给外汇指定银行:

1. 出口或转口货物及其他交易行为取得的外汇;
2. 交通运输、邮电、旅游、保险等业提供服务和政府机构往来取得的外汇;
3. 银行经营外汇业务应上缴的外汇净收入,境外劳务承包和境外投资应调回境内的外汇利润;
4. 外汇管理部门规定的其他应结售的外汇。

下列范围内的外汇收入,允许在外汇指定银行开立现汇帐户:

1. 境外法人或自然人作为投资汇入的外汇;
2. 境外借款和发行债券、股票取得的外汇;

3. 劳务承包公司境外工程合同期内调入境内的工程往来款项；

4. 经批准具有特定用途的捐赠外汇；

5. 外国驻华使领馆、国际组织及其他境外法人驻华机构的外汇；

6. 个人所有的外汇。

上述范围内用于支付境内费用的部分，均应向外汇指定银行兑换人民币办理支付。

取消现行的各类外汇留成、上缴和额度管理制度。对现有留成外汇额度余额和前述允许开立现汇帐户范围以外的现汇存款，按以下原则处理：

留成外汇额度余额允许按 1993 年 12 月 31 日公布的外汇牌价继续使用。对汇率并轨前已办理结汇，尚未分配入帐的留成外汇额度，应在 1994 年 1 月 31 日以前办完入帐，也允许按 1993 年 12 月 31 日公布的外汇牌价继续使用。

前述允许开立现汇帐户范围以外的现汇存款，在实行结汇制后，可继续保留原有现汇帐户，只许支用，不许存入，用完为止。帐户内余额允许用于经常项目支付、偿还外汇债务或向银行结售。

二、实行银行售汇制，允许人民币在经常项目下有条件可兑换

在实行售汇制后，取消经常项目正常对外支付用汇的计划审批。境内企事业单位、机关和社会团体在此项下的对外支付用汇，持如下有效凭证，用人民币到外汇指定银行办理兑付：

1. 实行配额或进口控制的货物进口，持有关部门颁发的

配额、许可证或进口证明以及相应的进口合同；

2. 实行自动登记制的货物进口，持登记证明和相应的进口合同；

3. 除上述两项以外，其他符合国家进口管理规定的货物进口，持进口合同和境外金融机构的支付通知书；

4. 非贸易项下的经营性支付，持支付协议或合同和境外金融、非金融机构的支付通知书。

非经营性支付购汇或购提现钞，按财务和外汇管理有关规定办理。对向境外投资、贷款、捐赠的汇出，继续实行审批制度。

作为一项过渡措施，改革初期对出口企业按结汇额的百分之五十在外汇指定银行设立台帐。出口企业出口所需用汇及贸易从属费，持前述有效凭证，由银行在其台帐余额内办理兑付。出口企业出口所需用汇，超过台帐余额的部分，仍可以按国家规定的办法，持有效凭证到外汇指定银行办理兑付。

三、建立银行间外汇市场，改进汇率形成机制，保持合理及相对稳定的人民币汇率

实行银行结汇、售汇制后，建立全国统一的银行间外汇交易市场。外汇指定银行是外汇交易市场的主体。银行间外汇交易市场主要职能是为各外汇指定银行相互调剂余缺和清算服务。银行间外汇交易市场，由中国人民银行通过国家外汇管理局监督管理。

1994年1月1日开始，实行人民币汇率并轨。并轨后的人民币汇率，实行以市场供求为基础的、单一的、有管理的浮动制。由中国人民银行根据前一日银行间外汇交易市场形成的价格，每日公布人民币对美元交易的中间价，并参照国际外

汇市场变化,同时公布人民币对其他主要货币的汇率。各外汇指定银行以此为依据,在中国人民银行规定的浮动幅度范围内自行挂牌,对客户买卖外汇。在稳定境内通货的前提下,通过银行间外汇买卖和中国人民银行向外汇交易市场吞吐外汇,保持各银行挂牌汇率的基本一致和相对稳定。

四、强化外汇指定银行的依法经营和服务职能

外汇指定银行办理结汇所需人民币资金原则上应由各银行用自有资金解决。国家对外汇指定银行的结算周转外汇实行比例管理。各银行结算周转外汇的比例,由中国人民银行根据其资产和外汇结算工作量核定。各银行持有超过其高限比例的结算周转外汇,必须出售给其他外汇指定银行或中国人民银行;持有结算周转外汇降到低限比例以下时,应及时从其外汇指定银行或中国人民银行购入补足。

为使有远期支付合同或偿债协议的用汇单位避免汇率风险,外汇指定银行可依据有效凭证办理人民币与外币的保值业务。

各外汇指定银行要保持合理的资产负债结构,按规定办理结汇、售汇和开户、存贷等业务,努力提高服务质量,降低服务费用,依法经营,公平竞争。

五、严格外债管理,建立偿债基金,确保国家对外信誉

对境外资金的借用和偿还,国家继续实行计划管理、金融条件审批和外债登记制度。为境外法人(含中资控股的机构和企业)借款出具担保,必须严格按照国家外汇管理局《境内机构对外提供外汇担保管理办法》办理。

为确保国家的对外信誉,必须加强外债偿还的管理,继续实行“谁借谁还”的原则。债务人应加强对借用外债项目的管

理,提高项目的经济效益和创汇能力。国家鼓励和支持各地区、有关部门和外债较多的企业按债务余额的一定比例建立偿债基金,在外汇指定银行开立现汇帐户存储。国家批准的专项还贷出口收汇,可以直接进入该帐户。专户资金只能用于对外支付本息,不得转移或用于其他支付。

债务人还本付息应从其偿债基金专户中支付,如发生困难,经外汇管理部门审查批准,根据借款协议,凭外债登记证和还本付息核准凭证,用人民币到外汇指定银行办理兑付。债务人要求在贷款协议规定到期日之前提前对外偿付的,须按规定经外汇管理部门批准。未办理登记手续的外债和境内机构违反规定为境外法人借债提供担保引起的支付责任,各银行不得擅自为其办理对外支付。

已发放的境内金融机构自营外汇贷款,债务人可用创汇收入直接偿还,也可按贷款协议规定,用人民币向外汇指定银行购汇偿还。实行新体制后,境内金融机构借入境外贷款和吸收外币存款发放的贷款,仍采取贷外汇还外汇的方式,还款外汇按上述办法解决。

六、外商投资企业外汇管理体制仍维持现行办法

外商投资企业的外汇收入,允许在外汇指定银行或境内外资银行开立现汇帐户。外商投资企业在国家规定允许的范围内对外支付和偿还境内金融机构外汇贷款本息,可从其现汇帐户余额中直接办理;超出现汇帐户余额的生产、经营、还本付息和红利汇出的用汇,由国家外汇管理部门根据国家授权部门批准的文件及合同审核批准后,向外汇指定银行购买。

七、取消境内外币计价结算,禁止外币在境内流通

自1994年1月1日起,取消任何形式的境内外币计价结

算;境内禁止外币流通和指定金融机构以外的外汇买卖;停止发行外汇券,已发行流通的外汇券,可继续使用,逐步兑回。

八、加强国际收支的宏观管理

加强对外汇收支和国际收支平衡情况及变化趋势的分析、预测,逐步完善我国国际收支的宏观调控体系。建立国际收支统计申报制度,加强对收、付汇和借还外债的核销、统计、监督和管理,堵塞漏洞,减少、杜绝外汇流失。各有关部门应密切配合,及时协调、解决工作中出现的问题,确保外汇管理体制改革的顺利实施。

Central bank's new reforms of foreign exchange system

In order to promote the establishment of a socialist market economic structure in China and further open it up to the outside world so as to develop the national economy in a more sustained, rapid, and healthy fashion, the People's Bank of China makes the following announcement pursuant to the decision of the State Council on further reforms of China's foreign exchange management system as of January 1, 1994.

1. To implement the system of selling off foreign exchange receipts to the banks and abolish foreign exchange retention system

The foreign exchange receipts of all domestic enterprises, public institutions, government agencies, and social organizations in China shall be promptly repatriated. Foreign exchange earnings which fall into the following categories (except those of foreign investment enterprises) shall all be sold off to the designated foreign exchange banks for renminbi based on the exchange rates listed by the banks.

1. Foreign exchange earnings from exports, transit trade and other trading activities;

2. Foreign exchange earnings from services provided by communication and transportation, post and telecommunications, tourism, insurance, and other service industries, and from inter - governmental transfer;

3. Net foreign exchange proceeds from foreign exchange operations of the banks, which are required to be turned over to the State, and foreign exchange returns received from overseas service contracts, and from investment abroad which are subject to repatriation; and

4. Other foreign exchange receipts which are required to be sold off to banks pursuant to the regulations of the exchange control administration.

Foreign exchange earnings of the following categories are permitted to be held in foreign exchange in the accounts opened with the designated foreign exchange banks;

(1) Foreign exchange remittance to China for the purpose of investment by , non - resident legal entities or natural persons;

(2) Foreign exchange received from external borrowing, and debt or equity issuance;

(3) Funds remitted back to China by the service

contracts companies within the contract period of their overseas projects for current use of the project;

(4) Receipts from foreign donations and grants approved for specific purposes;

(5) Foreign exchange receipts of diplomatic missions, and residence offices of international organizations and other non - resident legal entities in China; and

(6) Foreign exchange held by individuals.

When payments for domestic expenses occur for the above - mentioned categories of foreign exchange, they should be made in renminbi, which can be exchanged at the designated foreign exchange banks.

All such existing foreign exchange allocation systems as foreign exchange retention, compulsory turning - over, and quota control are to be abolished. The current holding of foreign exchange retention quotas, and the outstanding balance of foreign exchange accounts, which is excluded from the above - mentioned categories permitted to be held in foreign exchange, will be dealt with in accordance with the following principles:

The holdings of foreign exchange retention quotas will continue to be valid and can be used based on the

official renminbi exchange rate published on December 31, 1993. The foreign exchange retention quotas, which are sold off to the banks before the unification of the exchange rates, but of which book entry is yet to be completed, shall be entered into the book before January 31, 1994, and are also permitted to use according to the official exchange rate published on December 31, 1993.

The above - mentioned outstanding balance of foreign exchange accounts, which is excluded from the categories permitted to be held in foreign exchange, may be maintained under the system of selling off all foreign exchange receipts to banks, but for such accounts, only withdrawal is permitted with no more re-deposit until all funds in the accounts are drawn off. The outstanding balance of these foreign exchange accounts can be used for current payments, debt service, and selling off to the banks.

II . To implement the system of purchasing foreign exchange from the banks and make the renminbi conditionally convertible under the current account

After introducing the system of purchasing foreign exchange from the banks, the existing authorization procedure of allocating foreign exchange according to

the State plan for normal external payment items under the current account is to be abolished. Foreign exchange needed by domestic enterprises, public institutions, government agencies, and social organizations for external payments under the current account shall be purchased from the designated foreign exchange banks with renminbi, upon presentation of the following effective documentation, and then the banks make the payment for them.

1. Import quota, licence, or other import authorization issued by the departments concerned and relevant import contract for those items subject to import quota or import restrictions;

2. Registration verification and relevant import contract for those items subject to import voluntary registration;

3. Import contract and notification for payment from overseas financial institutions for all other import items than the above two categories, which are in conformity with the State regulations; and

4. Payment agreement or contract, and notification for payment from overseas financial and non - financial institutions for commercial payment under the non - trade account.

Purchase of foreign exchange for non-commercial payments or for withdrawal of foreign currency in cash shall be proceeded in accordance with the relevant regulations on financial and foreign exchange control. The authorization procedures shall continue to be in effect for foreign exchange remittance for making overseas investment, lending, and donations.

As an interim measure, the export enterprises, at the initial stage of this reform, can open a record-keeping account over the counter at the designated banks with 50 per cent of the total foreign exchange they sell off to the banks. When they need foreign exchange for export operations and other supplementary trading expenses, upon presentation of valid documents as mentioned above, the banks will sell them the foreign exchange and make the payment directly if the transaction amount is not more than the outstanding entitlement as recorded in their record-keeping accounts. For the payment amount exceeding their entitlement, the enterprises may also purchase foreign exchange with renminbi and make the payment at the designated banks, but upon presenting valid documentation in accordance with the relevant State regulations.

Ⅲ. To establish an inter - bank foreign exchange market and improve the mechanism of exchange rate determination so as to maintain a reasonable and relatively stable renminbi exchange rate.

After the introduction of the systems of selling and buying foreign exchange at the banks, a national unified inter - bank foreign exchange market will be established. The designated foreign exchange banks are main participants in the inter - bank market, whose main functions are to facilitate the matching of long and short foreign exchange positions of different designated banks, and to provide clearing and settlement service for banks. This market is regulated and supervised by the People's Bank of China through the State Administration of Exchange Control.

The dual renminbi exchange rates are to be unified as of January 1, 1994. The unified renminbi exchange rate will become a single, managed floating rate based on market demand and supply of foreign exchange. The People's Bank of China will publish daily the middle rate of renminbi against US dollar according to the transaction price prevailing in the inter - bank foreign exchange market on the previous day, and also, with reference to the changes of the international foreign ex-