



# 中华人民共和国外汇管理条例

Regulations of the People's Republic of  
China on Foreign Exchange Control

中国法制出版社

China Legal Publishing House

## 中华人民共和国外汇管理条例

Regulations of the People's Republic of China on

Foreign Exchange Control

经销/新华书店

印刷/河北省涿州市新华印刷厂

开本/850×1168 毫米 32

印张/1.125

字数/28 千

版次/2001 年 6 月北京第 1 版

2001 年 6 月北京第 1 次印刷

---

中国法制出版社出版

书号 ISBN7-80083-093-4/D·089

(北京西单横二条 2 号 邮政编码 100031)

定价: 10.00 元

(如发现印装问题请与本社发行部联系 电话: 66062752)

# **中华人民共和国外汇管理条例**

**Regulations of the People's Republic of  
China on Foreign Exchange Control**

**中国法制出版社**

**China Legal Publishing House**

# 中华人民共和国外汇管理条例

(1996年1月29日中华人民共和国国务院令第193号发布  
根据1997年1月14日《国务院关于修改〈中华人民共和国外汇管理条例〉的决定》修正)

## 第一章 总 则

**第一条** 为了加强外汇管理,保持国际收支平衡,促进国民经济健康发展,制定本条例。

**第二条** 国务院外汇管理部门及其分支机构(以下统称外汇管理机关),依法履行外汇管理职责,负责本条例的实施。

**第三条** 本条例所称外汇,是指下列以外币表示的可以用作国际清偿的支付手段和资产:

# Regulations of the People's Republic of China on Foreign Exchange Control

(Promulgated by Decree No.193 of the State Council of the People's Republic of China on January 29, 1996, and amended according to the Decision of the State Council on Amending the Regulations of the People's Republic of China on Foreign Exchange Control on January 14, 1997)

## Chapter I General Provisions

**Article 1** These Regulations are formulated for the purpose of strengthening foreign exchange control, maintaining the balance of international payments and promoting the healthy development of the national economy.

**Article 2** The foreign exchange control department of the State Council and its branches (hereinafter uniformly referred to as foreign exchange control organs) shall perform the functions of foreign exchange control according to law and be responsible for the implementation of these Regulation.

**Article 3** Foreign exchange referred to in these Regulation means the following instruments of payment and assets denominated in foreign currencies and used in international settlement:

(一)外国货币,包括纸币、铸币;

(二)外币支付凭证,包括票据、银行存款凭证、邮政储蓄凭证等;

(三)外币有价证券,包括政府债券、公司债券、股票等;

(四)特别提款权、欧洲货币单位;

(五)其他外汇资产。

**第四条** 境内机构、个人、驻华机构、来华人员的外汇收支或者经营活动,适用本条例。

**第五条** 国家对经常性国际支付和转移不予限制。

**第六条** 国家实行国际收支统计申报制度。凡有国际收支活动的单位和个人,必须进行国际收支统计申报。

**第七条** 在中华人民共和国境内,禁止外币流通,并不得以外币计价结算。

**第八条** 任何单位和个人都有权检举、揭发违反外汇管理的行为和活动。

对检举、揭发或者协助查处违反外汇管理案件有功

- (1) foreign currencies, including paper currencies and coins;
- (2) payment instruments denominated in foreign currencies, including negotiable instruments, bank deposit certificates and postal deposit certificates;
- (3) valuable securities denominated in foreign currencies, including government bonds, corporate bonds, and stocks.
- (4) special drawing rights and European currency units;
- (5) other assets denominated in foreign currencies.

**Article 4** These Regulations shall be applicable to the receipts and payments of foreign exchange or foreign exchange operations of domestic institutions, individuals, foreign resident establishments and foreign nationals residing in China.

**Article 5** The State shall not restrict the payment in and transfer of foreign exchange for current international transactions.

**Article 6** The State shall practise a system for declaring statistics on international receipts and payments. All units and individuals that conduct international receipts and payments must declare their international receipts and payments.

**Article 7** The circulation of foreign currencies is prohibited, and foreign currencies shall not be used in price quotations or in settlements within the territory of the People's Republic of China.

**Article 8** Any unit or individual shall have the right to report or expose acts and activities in violation of foreign exchange controls.

Units and individuals that have rendered meritorious services by reporting, exposing and assisting in investigating and punishing the cases involving the violation of foreign exchange controls shall be

的单位和个人,由外汇管理机关给予奖励,并负责保密。

## **第二章 经常项目外汇**

**第九条** 境内机构的经常项目外汇收入必须调回境内,不得违反国家有关规定将外汇擅自存放在境外。

**第十条** 境内机构的经常项目外汇收入,应当按照国务院关于结汇、售汇及付汇管理的规定卖给外汇指定银行,或者经批准在外汇指定银行开立外汇账户。

**第十一条** 境内机构的经常项目用汇,应当按照国务院关于结汇、售汇及付汇管理的规定,持有效凭证和商业单据向外汇指定银行购汇支付。

**第十二条** 境内机构的出口收汇和进口付汇,应当按照国家关于出口收汇核销管理和进口付汇核销管理的规定办理核销手续。

**第十三条** 属于个人所有的外汇,可以自行持有,也



rewarded by foreign exchange control organs, and the said organs shall be responsible for maintaining confidentiality.

## Chapter II Foreign Exchange for Current Account Transactions

**Article 9** All foreign exchange receipts of domestic institutions for current account transactions shall be repatriated and shall not be deposited abroad without authorization in violation of the relevant provisions of the State.

**Article 10** All foreign exchange receipts of domestic institutions for current account transactions shall be sold to the designated foreign exchange banks in accordance with the provisions of the State Council on administration of sale, purchase and payment of foreign exchange, or shall, upon approval, be deposited in a foreign exchange account opened in a designated foreign exchange bank.

**Article 11** Foreign exchange used for current account transactions by domestic institutions shall, in accordance with the provisions of the State Council on administration of sale, purchase and payment of foreign exchange, be purchased from a designated foreign exchange bank on the basis of valid documents and commercial bills.

**Article 12** Export proceeds and payments for imports in foreign exchange by domestic institutions shall undergo cancellation after verification procedures in accordance with the provisions of the State on cancellation after verification procedures in the cancellation of export proceeds and payments for import.

**Article 13** Foreign exchange owned by individuals may be

可以存入银行或者卖给外汇指定银行。

个人的外汇储蓄存款,实行存款自愿、取款自由、存款有息、为储户保密的原则。

**第十四条** 个人因私用汇,在规定限额以内购汇。超过规定限额的个人因私用汇,应当向外汇管理机关提出申请,外汇管理机关认为其申请属实的,可以购汇。

个人携带外汇进出境,应当向海关办理申报手续;携带外汇出境,超过规定限额的,还应当向海关出具有效凭证。

**第十五条** 个人移居境外后,其境内资产产生的收益,可以持规定的证明材料和有效凭证向外汇指定银行购汇汇出或者携带出境。

**第十六条** 居住在境内的中国公民持有的外币支付凭证、外币有价证券等形式的外汇资产,未经外汇管理机关批准,不得携带或者邮寄出境。

**第十七条** 驻华机构和来华人员的合法人民币收

held at their own direction, deposited in banks or sold to the designated foreign exchange banks.

With regard to foreign exchange savings deposit of individuals, the principles of voluntary deposit, unimpeded withdrawal, interest payment on deposit and confidentiality for the depositors shall be practised.

**Article 14** Foreign exchange needed for personal use shall be purchased within the specified limit. Individuals may apply to the foreign exchange control organs if the foreign exchange needed for personal use exceeds the limit, and the request for such purchase shall be approved if it is found to be bona fide.

Individuals carrying foreign exchange into or out China shall declare it to the Customs. Individuals shall present to the Customs valid documents for carrying foreign exchange exceeding the specified limits.

**Article 15** Individuals who have emigrated abroad may, on the strength of the stipulated certifying materials and valid vouchers, convert the income derived from their assets in China into foreign exchange at designated foreign exchange banks, and may either remit or take them out of China.

**Article 16** Such foreign exchange assets as payment instruments and valuable securities denominated in foreign currencies held by the Chinese citizens living in China shall not, without the approval of the foreign exchange control organs, be taken or sent abroad.

**Article 17** Those foreign resident establishments and foreign nationals residing in China that need to remit abroad their lawful

人,需要汇出境外的,可以持有关证明材料和凭证到外汇指定银行兑付。

**第十八条** 驻华机构和来华人员由境外汇入或者携带入境的外汇,可以自行保存,可以存入银行或者卖给外汇指定银行,也可以持有效凭证汇出或者携带出境。

### **第三章 资本项目外汇**

**第十九条** 境内机构的资本项目外汇收入,除国务院另有规定外,应当调回境内。

**第二十条** 境内机构的资本项目外汇收入,应当按照国家有关规定在外汇指定银行开立外汇账户;卖给外汇指定银行的,须经外汇管理机关批准。

**第二十一条** 境内机构向境外投资,在向审批主管部门申请前,由外汇管理机关审查其外汇资金来源;经批

earnings in RMB may, by presenting the relevant certifying materials and vouchers, have them converted into foreign currencies at designated foreign exchange banks.

**Article 18** Foreign exchange remitted from abroad or carried into China by foreign resident establishments and foreign nationals residing in China may be held at their own direction, deposited in banks, or sold to the designated foreign exchange banks, and also remitted or taken abroad by presenting valid vouchers.

### Chapter III Foreign Exchange for Capital Account Transactions

**Article 19** All the foreign exchange receipts for capital account transactions of domestic institutions shall be repatriated, unless otherwise specified by the State Council.

**Article 20** All the foreign exchange receipts for capital account transactions of domestic institutions shall be in foreign exchange accounts at the designated foreign exchange banks in accordance with the relevant provisions of the State. Where the said receipts are sold to the designated foreign exchange banks, approval must be obtained from the foreign exchange control organs.

**Article 21** The source of foreign exchange for overseas investment by domestic institutions shall be examined by the foreign exchange control organs before the application is submitted to the competent approval department. Upon approval, the procedures for remitting the relevant funds shall be processed in accordance with the provisions of the State Council on the foreign exchange control

准后,按照国务院关于境外投资外汇管理的规定办理有关资金汇出手续。

**第二十二条** 借用国外贷款,由国务院确定的政府部门、国务院外汇管理部门批准的金融机构和企业按照国家有关规定办理。

外商投资企业借用国外贷款,应当报外汇管理机关备案。

**第二十三条** 金融机构在境外发行外币债券,须经国务院外汇管理部门批准,并按照国家有关规定办理。

**第二十四条** 提供对外担保,只能由符合国家规定条件的金融机构和企业办理,并须经外汇管理机关批准。

**第二十五条** 国家对外债实行登记制度。

境内机构应当按照国务院关于外债统计监测的规定办理外债登记。

国务院外汇管理部门负责全国的外债统计与监测,并定期公布外债情况。

over overseas investment.

**Article 22** Borrowing foreign loans shall, in accordance with the relevant provisions of the State, be conducted by the departments determined by the State Council, the financial institutions and enterprises approved by the foreign exchange control department of the State Council.

Where enterprises with foreign investment borrow foreign loans, reports thereof shall be made to the foreign exchange control organs for record.

**Article 23** Where financial institutions issue bonds in foreign currencies outside the territory, approvals must be obtained from the foreign exchange control department of the State Council, and the matter shall be conducted in accordance with the relevant provisions of the State.

**Article 24** An external guaranty shall be provided by a financial institution or enterprise only if it satisfies the requirements stipulated by the State, and is subject to the approval of the foreign exchange control organ.

**Article 25** The State shall adopt a registration system for external debts.

All domestic institutions shall register their external debts in accordance with the provisions of the State Council on the statistics and monitoring of external debts.

The foreign exchange control department of the State Council shall be responsible for statistics and monitoring of external debts and publish the circumstances concerning external debts on a regular basis.

**第二十六条** 依法终止的外商投资企业,按照国家有关规定进行清算、纳税后,属于外方投资者所有的人民币,可以向外汇指定银行购汇汇出或者携带出境;属于中方投资者所有的外汇,应当全部卖给外汇指定银行。

## **第四章 金融机构外汇业务**

**第二十七条** 金融机构经营外汇业务须经外汇管理机关批准,领取经营外汇业务许可证。

未经外汇管理机关批准,任何单位和个人不得经营外汇业务。经批准经营外汇业务的金融机构,经营外汇业务不得超出批准的范围。

**第二十八条** 经营外汇业务的金融机构应当按照国家有关规定为客户开立外汇账户,办理有关外汇业务。

**第二十九条** 金融机构经营外汇业务,应当按照国家有关规定交存外汇存款准备金,遵守外汇资产负债比例管理的规定,并建立呆账准备金。



**Article 26** After an enterprise with foreign investment that is terminated according to law undergoes liquidation and pays taxes in accordance with the relevant provisions of the State, the Renminbi owned by a foreign investor may be converted into foreign exchange at designated foreign exchange banks, and may either be remitted or taken out of China; all the foreign exchange owned by the Chinese investor shall be sold to the designated foreign exchange banks.

## Chapter IV The Foreign Exchange Operations of Financial Institutions

**Article 27** Financial institutions shall be approved by foreign exchange control organs for conducting foreign exchange operations, and shall obtain permits for foreign exchange operations.

No unit or individual may conduct foreign exchange operations without the approval by foreign exchange control organs. Financial institutions approved for conducting foreign exchange operations may not conduct foreign exchange operations beyond the approved business scope.

**Article 28** Financial institutions conducting foreign exchange operations shall, in accordance with the relevant provisions of the State, open foreign exchange accounts for their clients and handle relevant foreign exchange business.

**Article 29** Financial institutions conducting foreign exchange operations shall turn in and deposit required foreign exchange reserves in accordance with the relevant provisions of the State, observe the provisions on management of the ratio of foreign exchange liabilities and assets, and set up loan loss reserves.