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中华人民共和国商业银行法释义

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第四章 贷款和其他业务的基本规则

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本章共二十条，对商业银行的贷款、投资、结算、发行金融债券、同业拆借等业务的基本规则作出了规定。

第三十四条　商业银行根据国民经济和社会发展的需要，在国家产业政策指导下开展贷款业务。

【释义】　本条是关于商业银行应当在国家产业政策指导下开展贷款业务的规定。

商业银行开展贷款业务要接受国家产业政策和发展政策的指导。商业银行对国民经济具有巨大的调节作用，对经济发展起着举足轻重的作用。因此，商业银行要根据国民经济和社会发展需要，在国家产业政策指导下开展贷款业务。从根本上看，商业银行根据经济发展需要，在国家产业政策指导下开展贷款业务，与其自身效益性并不矛盾。国家的发展政策和产业政策通过中国人民银行运用货币政策工具调控来实现，而中央银行的货币政策变动又往往给商业银行的经营利益带来影响，为自身利益，商业银行会采取与中央银行货币政策相一致的措施。例如，国家实行紧缩政策时，中央银行通过提高再贴现率，影响商业银行对客户也相应提高贴现率，从而达到收缩货币供应量的作用。如果商业银行不随着调整贴现率，就会损失利益。商业银行作为自负盈亏的企业法人，对营利、成本、风险的敏感度很高，它在随着货币政策调整贷款业务的同时，对工商企业的发展又起到调控作用。需要说明的是，国家产业政策和发展政策对商业银行开展贷款业务起的是指导作用，而非直接指令商业银行开展业务。如在上例中，国家实行紧缩政策时，中央银行并不直接指令商业银行提高其贴现率，而是通过提高自身的再贴现率，来指导商业银行对其客户提高贴现率。是否提高贴现率，提高多少，由商业银行根据市场情况和自身利益自主决定。商业银行在这一货币政策的指导下，为了避免自身利益的损失，一般也会相应提高其贴现率。

第三十五条　商业银行贷款，应当对借款人的借款用途、偿还能力、还款方式等情况进行严格审查。

商业银行贷款，应当实行审贷分离、分级审批的制度。

【释义】　本条是关于商业银行贷款审查的规定。

Chapter Four: Basic Rules for Loans and Other Businesses

This chapter contains twenty articles, which stipulate the basic rules for commercial banks' lending, investment, settlement, issuance of financial bonds, interbank lending and other businesses.

Article 34 Commercial banks shall conduct lending business under the guidance of national industrial policies, in accordance with the needs of national economic and social development.

[Explanation] This article stipulates that commercial banks shall conduct lending business under the guidance of national industrial policies.
Commercial banks shall accept the guidance of national industrial and development policies when conducting lending business. Commercial banks play a significant regulatory role in the national economy and are crucial to economic development. Therefore, commercial banks must conduct lending business under the guidance of national industrial policies, in accordance with the needs of national economic and social development. Fundamentally, commercial banks' practice of conducting lending business under the guidance of national industrial policies, based on the needs of economic development, is not contradictory to their own profitability. National development and industrial policies are implemented through the People's Bank of China's monetary policy tools. Changes in the central bank's monetary policy often affect the operating interests of commercial banks. For their own benefit, commercial banks will take measures consistent with the central bank's monetary policy. For example, when the state implements a contractionary policy, the central bank raises the rediscount rate, influencing commercial banks to correspondingly raise their discount rates for customers, thereby reducing the money supply. If commercial banks do not adjust their discount rates accordingly, they will suffer losses. As self-financing corporate entities, commercial banks are highly sensitive to profits, costs, and risks. While adjusting their lending practices in accordance with monetary policy, they also play a regulatory role in the development of industrial and commercial enterprises. It's important to note that national industrial and development policies guide commercial banks' lending activities, rather than directly instructing them to conduct business. For example, in the previous case, when the government implemented a tightening policy, the central bank did not directly instruct commercial banks to raise their discount rates. Instead, it guided commercial banks to raise their customers' discount rates by raising its own rediscount rate. Whether to raise the discount rate, and by how much, was determined by the commercial banks themselves based on market conditions and their own interests. Under the guidance of this monetary policy, commercial banks, to avoid losses, generally also raise their discount rates accordingly.

Article 35 Commercial banks shall strictly examine the borrower's loan purpose, repayment ability, and repayment method when issuing loans.

Commercial bank loans shall implement a system of separation of loan approval and disbursement review, and tiered approval.

[Explanation] This article stipulates the requirements for commercial bank loan review.