

中华人民共和国主席令

第二十六号

《中华人民共和国外商投资法》已由中华人民共和国第十三届全国人民代表大会第二次会议于2019年3月15日通过，现予公布，自2020年1月1日起施行。

中华人民共和国主席 习 近 平

2019年3月15日

中华人民共和国外商投资法

(2019年3月15日第十三届全国人民代表大会第二次会议通过)

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第一章 总 则

第一条 为了进一步扩大对外开放，积极促进外商投资，保护外商投资合法权益，规范外商投资管理，推动形成全面开放新格局，促进社会主义市场经济健康发展，根据宪法，制定本法。

第二条 在中华人民共和国境内（以下简称中国境内）的外商投资，适用本法。

本法所称外商投资，是指外国的自然人、企业或者其他组织（以下称外国投资者）直接或者间接在中国境内进行的投资活动，包括下列情形：

（一）外国投资者单独或者与其他投资者共同在中国境内设立外商投资企业；

（二）外国投资者取得中国境内企业的股份、股权、财产份额或者其他类似权益；

（三）外国投资者单独或者与其他投资者共同在中国境内投资新建项目；

（四）法律、行政法规或者国务院规定的其他方式的投资。

本法所称外商投资企业，是指全部或者部分由外国投资者投资，依照中国法律在中国境内经登记注册设立的企业。

第三条 国家坚持对外开放的基本国策，鼓

励外国投资者依法在中国境内投资。

国家实行高水平投资自由化便利化政策，建立和完善外商投资促进机制，营造稳定、透明、可预期和公平竞争的市场环境。

第四条 国家对外商投资实行准入前国民待遇加负面清单管理制度。

前款所称准入前国民待遇，是指在投资准入阶段给予外国投资者及其投资不低于本国投资者及其投资的待遇；所称负面清单，是指国家规定在特定领域对外商投资实施的准入特别管理措施。国家对负面清单之外的外商投资，给予国民待遇。

负面清单由国务院发布或者批准发布。

中华人民共和国缔结或者参加的国际条约、协定对外国投资者准入待遇有更优惠规定的，可以按照相关规定执行。

第五条 国家依法保护外国投资者在中国境内的投资、收益和其他合法权益。

第六条 在中国境内进行投资活动的外国投资者、外商投资企业，应当遵守中国法律法规，不得危害中国国家安全、损害社会公共利益。

第七条 国务院商务主管部门、投资主管部门按照职责分工，开展外商投资促进、保护和管理的工作；国务院其他有关部门在各自职责范围内，负责外商投资促进、保护和管理的相关工作。

县级以上地方人民政府有关部门依照法律法规和本级人民政府确定的职责分工，开展外商投资促进、保护和管理的工作。

第八条 外商投资企业职工依法建立工会组织，开展工会活动，维护职工的合法权益。外商投资企业应当为本企业工会提供必要的活动条件。

第二章 投资促进

第九条 外商投资企业依法平等适用国家支

持企业发展的各项政策。

第十条 制定与外商投资有关的法律、法规、规章，应当采取适当方式征求外商投资企业的意见和建议。

与外商投资有关的规范性文件、裁判文书等，应当依法及时公布。

第十一条 国家建立健全外商投资服务体系，为外国投资者和外商投资企业提供法律法规、政策措施、投资项目信息等方面的咨询和服务。

第十二条 国家与其他国家和地区、国际组织建立多边、双边投资促进合作机制，加强投资领域的国际交流与合作。

第十三条 国家根据需要，设立特殊经济区域，或者在部分地区实行外商投资试验性政策措施，促进外商投资，扩大对外开放。

第十四条 国家根据国民经济和社会发展的需要，鼓励和引导外国投资者在特定行业、领域、地区投资。外国投资者、外商投资企业可以依照法律、行政法规或者国务院的规定享受优惠待遇。

第十五条 国家保障外商投资企业依法平等参与标准制定工作，强化标准制定的信息公开和社会监督。

国家制定的强制性标准平等适用于外商投资企业。

第十六条 国家保障外商投资企业依法通过公平竞争参与政府采购活动。政府采购依法对外商投资企业在中国境内生产的产品、提供的服务平等对待。

第十七条 外商投资企业可以依法通过公开发行股票、公司债券等证券和其他方式进行融资。

第十八条 县级以上地方人民政府可以根据法律、行政法规、地方性法规的规定，在法定权

限内制定外商投资促进和便利化政策措施。

第十九条 各级人民政府及其有关部门应当按照便利、高效、透明的原则，简化办事程序，提高办事效率，优化政务服务，进一步提高外商投资服务水平。

有关主管部门应当编制和公布外商投资指引，为外国投资者和外商投资企业提供服务 and 便利。

第三章 投资保护

第二十条 国家对外国投资者的投资不实行征收。

在特殊情况下，国家为了公共利益的需要，可以依照法律规定对外国投资者的投资实行征收或者征用。征收、征用应当依照法定程序进行，并及时给予公平、合理的补偿。

第二十一条 外国投资者在中国境内的投资、利润、资本收益、资产处置所得、知识产权许可使用费、依法获得的补偿或者赔偿、清算所得等，可以依法以人民币或者外汇自由汇入、汇出。

第二十二条 国家保护外国投资者和外商投资企业的知识产权，保护知识产权权利人和相关权利人的合法权益；对知识产权侵权行为，严格依法追究法律责任。

国家鼓励在外商投资过程中基于自愿原则和商业规则开展技术合作。技术合作的条件由投资各方遵循公平原则平等协商确定。行政机关及其工作人员不得利用行政手段强制转让技术。

第二十三条 行政机关及其工作人员对于履行职责过程中知悉的外国投资者、外商投资企业的商业秘密，应当依法予以保密，不得泄露或者非法向他人提供。

第二十四条 各级人民政府及其有关部门制定涉及外商投资的规范性文件，应当符合法律法

规的规定；没有法律、行政法规依据的，不得减损外商投资企业的合法权益或者增加其义务，不得设置市场准入和退出条件，不得干预外商投资企业的正常生产经营活动。

第二十五条 地方各级人民政府及其有关部门应当履行向外国投资者、外商投资企业依法作出的政策承诺以及依法订立的各类合同。

因国家利益、社会公共利益需要改变政策承诺、合同约定的，应当依照法定权限和程序进行，并依法对外国投资者、外商投资企业因此受到的损失予以补偿。

第二十六条 国家建立外商投资企业投诉工作机制，及时处理外商投资企业或者其投资者反映的问题，协调完善相关政策措施。

外商投资企业或者其投资者认为行政机关及其工作人员的行政行为侵犯其合法权益的，可以通过外商投资企业投诉工作机制申请协调解决。

外商投资企业或者其投资者认为行政机关及其工作人员的行政行为侵犯其合法权益的，除依照前款规定通过外商投资企业投诉工作机制申请协调解决外，还可以依法申请行政复议、提起行政诉讼。

第二十七条 外商投资企业可以依法成立和自愿参加商会、协会。商会、协会依照法律法规和章程的规定开展相关活动，维护会员的合法权益。

第四章 投资管理

第二十八条 外商投资准入负面清单规定禁止投资的领域，外国投资者不得投资。

外商投资准入负面清单规定限制投资的领域，外国投资者进行投资应当符合负面清单规定的条件。

外商投资准入负面清单以外的领域，按照内外资一致的原则实施管理。

第二十九条 外商投资需要办理投资项目核准、备案的，按照国家有关规定执行。

第三十条 外国投资者在依法需要取得许可的行业、领域进行投资的，应当依法办理相关许可手续。

有关主管部门应当按照与内资一致的条件和程序，审核外国投资者的许可申请，法律、行政法规另有规定的除外。

第三十一条 外商投资企业的组织形式、组织机构及其活动准则，适用《中华人民共和国公司法》、《中华人民共和国合伙企业法》等法律的规定。

第三十二条 外商投资企业开展生产经营活动，应当遵守法律、行政法规有关劳动保护、社会保险的规定，依照法律、行政法规和国家有关规定办理税收、会计、外汇等事宜，并接受相关主管部门依法实施的监督检查。

第三十三条 外国投资者并购中国境内企业或者以其他方式参与经营者集中的，应当依照《中华人民共和国反垄断法》的规定接受经营者集中审查。

第三十四条 国家建立外商投资信息报告制度。外国投资者或者外商投资企业应当通过企业登记系统以及企业信用信息公示系统向商务主管部门报送投资信息。

外商投资信息报告的内容和范围按照确有必要原则确定；通过部门信息共享能够获得的投资信息，不得再行要求报送。

第三十五条 国家建立外商投资安全审查制度，对影响或者可能影响国家安全的外商投资进行安全审查。

依法作出的安全审查决定为最终决定。

第五章 法 律 责 任

第三十六条 外国投资者投资外商投资准入

负面清单规定禁止投资的领域的，由有关主管部门责令停止投资活动，限期处分股份、资产或者采取其他必要措施，恢复到实施投资前的状态；有违法所得的，没收违法所得。

外国投资者的投资活动违反外商投资准入负面清单规定的限制性准入特别管理措施的，由有关主管部门责令限期改正，采取必要措施满足准入特别管理措施的要求；逾期不改正的，依照前款规定处理。

外国投资者的投资活动违反外商投资准入负面清单规定的，除依照前两款规定处理外，还应当依法承担相应的法律责任。

第三十七条 外国投资者、外商投资企业违反本法规定，未按照外商投资信息报告制度的要求报送投资信息的，由商务主管部门责令限期改正；逾期不改正的，处十万元以上五十万元以下的罚款。

第三十八条 对外国投资者、外商投资企业违反法律、法规的行为，由有关部门依法查处，并按照国家有关规定纳入信用信息系统。

第三十九条 行政机关工作人员在外商投资促进、保护和管理工作中滥用职权、玩忽职守、徇私舞弊的，或者泄露、非法向他人提供履行职责过程中知悉的商业秘密的，依法给予处分；构成犯罪的，依法追究刑事责任。

第六章 附 则

第四十条 任何国家或者地区在投资方面对中华人民共和国采取歧视性的禁止、限制或者其他类似措施的，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。

第四十一条 对外国投资者在中国境内投资银行业、证券业、保险业等金融行业，或者在证券市场、外汇市场等金融市场进行管理，国家另有规定的，依照其规定。

第四十二条 本法自 2020 年 1 月 1 日起施行。《中华人民共和国中外合资经营企业法》、《中华人民共和国中外合作经营企业法》、《中华人民共和国外资企业法》、《中华人民共和国中外合作经营企业法》同时废止。

本法施行前依照《中华人民共和国中外合资

经营企业法》、《中华人民共和国外资企业法》、《中华人民共和国中外合作经营企业法》设立的外商投资企业，在本法施行后五年内可以继续保留原企业组织形式等。具体实施办法由国务院规定。

关于《中华人民共和国外商投资法 (草案)》的说明

——2019 年 3 月 8 日在第十三届全国人民代表大会第二次会议上

全国人大常委会副委员长 王 晨

各位代表：

我受全国人大常委会委托，作关于《中华人民共和国外商投资法（草案）》的说明。

一、制定外商投资法的重要意义

（一）制定外商投资法，是贯彻落实党中央扩大对外开放、促进外商投资决策部署的重要举措

党的十八大以来，以习近平同志为核心的党中央在扩大对外开放、促进外商投资方面作出了一系列重要决策部署，强调中国开放的大门不会关闭，只会越开越大。习近平总书记在庆祝改革开放 40 周年大会上发表重要讲话，发出了新时代改革开放再出发、继续把改革开放推向前进的宣言书和动员令。在新的历史起点上，我们必须坚定贯彻新发展理念，坚持对外开放的基本国策，继续实行积极主动的开放政策，推动形成全面开放新格局。

积极吸引和利用外商投资，是我国扩大对外

开放和构建开放型经济新体制的重要内容，必须有健全的法治保障。总结改革开放 40 年我国外商投资法律制度的实践经验，适应新形势新要求，外商投资法确立了我国新型外商投资法律制度的基本框架，确定了我国对外开放、促进外商投资的基本国策和大政方针，对外商投资的准入、促进、保护、管理等作出了统一规定，是我国外商投资领域新的基础性法律，是对我国外商投资法律制度的完善和创新。通过制定和实施外商投资法，坚定实行高水平投资自由化便利化政策，保护外商投资合法权益，营造法治化、国际化、便利化营商环境，以高水平对外开放推动经济高质量发展，充分彰显了新时代我国进一步扩大对外开放、积极促进外商投资的决心和信心。

（二）制定外商投资法，是我国外商投资法律制度与时俱进、完善发展的客观要求

法治建设与改革开放紧密结合、协调推进、相互促进，是我国改革开放、社会主义现代化建设和法治建设取得成功的重要原因。中国的对外

Foreign Investment Law of the People's Republic of China

中华人民共和国外商投资法

Order of the President of the People's Republic of China
(No. 26)

The Foreign Investment Law of the People's Republic of China, as adopted at the 2nd Session of the Thirteenth National People's Congress of the People's Republic of China on March 15, 2019, is hereby issued, and shall come into force on January 1, 2020.

Xi Jinping, President of the People's Republic of China
March 15, 2019

Foreign Investment Law of the People's Republic of China
(Adopted at the 2nd Session of the Thirteenth National People's Congress of the People's Republic of China on March 15, 2019)

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Chapter I General Provisions

Article 1 For the purposes of further expanding the country's opening up, vigorously boosting foreign investment, protecting the lawful rights and interests of foreign investors, regulating the administration of foreign investment, propelling the formation of a new pattern of extensively opening up, and promoting the sound development of the socialist market economy, this Law is enacted in accordance with the Constitution.

Article 2 Foreign investment in the territory of the People's Republic of China (hereinafter referred to as “within China”) shall be governed by this Law. For the purposes of this Law, “foreign investment” means the investing activities within China directly or indirectly conducted by foreign natural persons, enterprises, and other organizations (hereinafter referred to as “foreign investors”), including the following circumstances:

- (1) A foreign investor forms a foreign-funded enterprise within China alone or jointly with any other investor.
- (2) A foreign investor acquires any shares, equities, portion of property, or other similar interest in an enterprise within China.
- (3) A foreign investor invests in any new construction project within China alone or

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jointly with any other investor.

(4) Investment in any other manner as specified by a law or administrative regulation or the State Council.

For the purposes of this Law, “foreign-funded enterprise” means an enterprise formed and registered within China under the laws of China in which all or part of investment is made by a foreign investor.

Article 3 The state is adamantly committed to the fundamental national policy of opening up, and encourages foreign investors to invest within China according to the law.

The state implements high-level investment liberalization and facilitation policies, establishes and improves the foreign investment promotion mechanisms, and builds a stable, transparent, and foreseeable investment environment with a level playing field.

Article 4 The state applies the administrative system of pre-establishment national treatment plus negative list to foreign investment.

“Pre-establishment national treatment” as mentioned in the preceding paragraph means the treatment accorded to foreign investors and their investments no less favorable to that accorded to domestic investors and their investments at the stage of investment access; and “negative list” as mentioned in the preceding paragraph means a special administrative measure for access of foreign investment in specific fields as imposed by the state. The state accords national treatment to foreign investment outside of the negative list.

The negative list shall be issued by or with the approval of the State Council.

Where any international treaty or agreement concluded or acceded to by the People's Republic of China provides for any more favorable treatment in respect of access of foreign investors, the relevant provisions of the treaty or agreement may apply.

Article 5 The state protects, according to the law, foreign investors' investment, income, and other lawful rights and interests within China.

Article 6 Foreign investors and foreign-funded enterprises conducting investing activities within China shall abide by the laws and regulations of China, and neither compromise China's national security nor cause damage to the public interest.

Article 7 The commerce department and the investment department of the State Council shall, based on their division of duties, conduct the promotion, protection, and administration of foreign investment; and other relevant departments of the State Council shall, within their respective scopes of duties, be responsible for the promotion, protection and administration of foreign investment.

The relevant departments of a local people's government at or above the county level shall conduct the promotion, protection, and administration of foreign investment according to laws and regulations and the division of duties determined by the local people's government.

Article 8 Employees of a foreign-funded enterprise shall establish a trade union and conduct trade union activities according to the law to protect the lawful rights and interests of employees. A foreign-funded enterprise shall provide support required for activities of its trade union.

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Chapter II Investment Promotion

Article 9 The state's various policies to support the development of enterprises shall equally apply to foreign-funded enterprises according to the law.

Article 10 Comments and recommendations from foreign-funded enterprises shall be requested in appropriate manners in the process of development of laws, regulations, and rules relating to foreign investment.
Regulatory documents and adjudicative instruments, among others, relating to foreign investment shall be published in a timely manner according to the law.

Article 11 The state establishes and improves a foreign investment service system to provide foreign investors and foreign-funded enterprises with consultation and services in respect of laws and regulations, policies and measures, and investment project information, among others.

Article 12 The state establishes multilateral and bilateral cooperative mechanisms for investment promotion with other countries and regions and international organizations to enhance international exchange and cooperation in the investment field.

Article 13 As needed, the state establishes special economic zones or implements pilot policies and measures for foreign investment in particular regions to promote foreign investment and expand the country's opening up.

Article 14 As needed for national economic and social development, the state encourages and directs foreign investors to invest in particular industries, fields, and regions. Foreign investors and foreign-funded enterprises may enjoy preferences according to laws, administrative regulations, or the provisions issued by the State Council.

Article 15 The state guarantees that foreign-funded enterprises equally participate in standard development work according to the law, and reinforces information disclosure and public scrutiny in the development of standards.
The compulsory standards developed by the state shall equally apply to foreign-funded enterprises.

Article 16 The state guarantees that foreign-funded enterprises participate in government procurement activities through fair competition according to the law. Products manufactured and services provided by foreign-funded enterprises within China shall be equally treated in government procurement according to the law.

Article 17 A foreign-funded enterprise may conduct financing according to the law by means such as the public offering of stock, corporate bond, and other securities.

Article 18 The local people's governments at and above the county level may develop foreign investment promotion and facilitation policies and measures within their respective statutory powers according to laws, administrative regulations, and local regulations.

Article 19 The people's governments at all levels and their relevant departments shall,

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under the principle of convenience, efficiency, and transparency, simplify the procedures for and improve the efficiency of transaction of business, and optimize government services, to raise their foreign investment service capabilities to a new level.

Appropriate departments shall develop and publish foreign investment guidelines to serve and facilitate the investment of foreign investors and foreign-funded enterprises.

Chapter III Investment Protection

Article 20 The state expropriates no foreign investment.

Under certain special circumstances, the state may expropriate or requisition the investment of foreign investors in the public interest according to the provisions of laws. Expropriation and requisition shall be conducted under statutory procedures, and fair and reasonable compensation shall be made in a timely manner.

Article 21 A foreign investor may, according to the law, freely remit into or out of China, in Renminbi or foreign exchange, its contributions made, profits, capital gains, proceeds from disposition of assets, and royalties of intellectual property rights derived from, indemnity or compensation lawfully acquired, and income from liquidation, among others, within China.

Article 22 The state protects the intellectual property rights of foreign investors and foreign-funded enterprises, and protects the lawful rights and interests of owners of intellectual property rights and relevant right holders; and for infringements of intellectual property rights, strictly holds the infringers legally liable according to the law.

The state encourages technology cooperation on the basis of free will and business rules in the process of foreign investment. Technology cooperation conditions shall be determined under the principle of fairness by all investing parties through equal consultation. No administrative agency or its employee may force the transfer of any technology by administrative means.

Article 23 Administrative agencies and their employees shall keep confidential, according to the law, the trade secrets of foreign investors and foreign-funded enterprises to which they have access in performing their duties, and neither divulge nor illegally provide others with such secrets.

Article 24 In developing regulatory documents involving foreign investment, the people's governments at all levels and their relevant departments shall comply with laws and regulations; and in the absence of any basis in laws and administrative regulations, such documents shall not derogate from the lawful rights and interests or increase the obligations of foreign-funded enterprises, shall not set any market access and withdrawal conditions, and shall not intervene the normal production and distribution activities of foreign-funded enterprises.

Article 25 The local people's governments at all levels and their relevant departments shall fulfill their policy commitments legally made to foreign investors and foreign-funded enterprises and various contracts legally concluded.

Where any policy commitment or provision of a contract needs to be changed in the national or public interest, such change shall be made according to the statutory

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powers and procedures, and foreign investors and foreign-funded enterprises shall be compensated according to the law for their losses so incurred.

Article 26 The state establishes a working mechanism for complaints of foreign-funded enterprises to address concerns of foreign-funded enterprises and their investors in a timely manner and coordinate and improve the relevant policies and measures.

Where a foreign-funded enterprise or its investor deems that an administrative action taken by an administrative agency or its employee infringes upon its lawful rights and interests, it may, through the working mechanism for complaints of foreign-funded enterprises, apply for coordination to resolve the issue.

Where a foreign-funded enterprise or its investor deems that an administrative action taken by an administrative agency or its employee infringes upon its lawful rights and interests, it may also apply for administrative reconsideration or institute an administrative lawsuit according to the law, in addition to applying for coordination to resolve the issue through the working mechanism for complaints of foreign-funded enterprises.

Article 27 Foreign-funded enterprises may legally form and voluntarily join in a chamber of commerce or association. A chamber of commerce or association shall conduct relevant activities according to laws, regulations, and its articles of association to protect the lawful rights and interests of its members.

Chapter IV Investment Administration

Article 28 A foreign investor may not invest in a field which is prohibited by the foreign investment access negative list from investment.

To invest in a field restricted by the foreign investment access negative list from investment, a foreign investor shall meet the investment conditions set out in the negative list.

For fields outside of the foreign investment access negative list, investment administration shall be conducted under the principle of equal treatment to domestic and foreign investment.

Article 29 Where any foreign investment needs to undergo the confirmation or recordation of investment projects, the relevant provisions issued by the state shall apply.

Article 30 In industries and fields where foreign investors need to legally obtain permits for their investment, they shall undergo the relevant licensing formalities according to the law.

The appropriate departments shall examine the licensing applications of foreign investors under the same conditions and procedures as for domestic investors, except as otherwise provided for by a law or administrative regulation.

Article 31 The business forms, structures, and rules of activities of foreign-funded enterprises shall be governed by [the Company Law of the People's Republic of China](#), [the Partnership Law of the People's Republic of China](#), and other laws.

Article 32 In conducting production and distribution activities, foreign-funded

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enterprises shall comply with the provisions of laws and administrative regulations pertaining to labor protection and social insurance, conduct taxation, accounting, foreign exchange, and other affairs according to laws, administrative regulations, and the relevant provisions issued by the state, and accept the supervisory inspection legally conducted by the appropriate departments.

Article 33 Where a foreign investor participates in the concentration of undertakings by merger or acquisition of enterprises within China or in any other manner, it shall accept a review of concentration of undertakings under [the Anti-monopoly Law of the People's Republic of China](#).

Article 34 The state establishes a foreign investment information reporting system. A foreign investor or foreign-funded enterprise shall submit investment information to the commerce department through the enterprise registration system and the enterprise credit information publicity system.

The contents and scope of reporting of foreign investment information shall be determined under the principle of necessity; and investment information accessible by interdepartmental information sharing shall not be required to be submitted again.

Article 35 The state establishes a foreign investment security review system to conduct a security review of foreign investment that impacts or may impact the national security.

A decision legally made upon a security review shall be final.

Chapter V Legal Liability

Article 36 Where a foreign investor invests in a field prohibited by the foreign investment access negative list from investment, the appropriate department shall order cessation of investment activity, disposition of shares and assets or adoption of other necessary measures during a specified period, and restoration to the state before investment; and its illegal income, if any, shall be confiscated.

Where the investment activity of a foreign investor violates any special administrative measure for restrictive access as set out in the foreign investment access negative list, the appropriate department shall order the investor to take corrective action during a specified period and adopt necessary measures to meet the requirements of the special administrative measure; and if it fails to take corrective action during the specified period, the preceding paragraph shall apply.

Where the investment activity of a foreign investor violates the provisions of the foreign investment access negative list, it shall assume the corresponding legal liability according to the law in addition to the application of the preceding two paragraphs.

Article 37 Where, in violation of this Law, a foreign investor or foreign-funded enterprise fails to submit investment information as required by the foreign investment information reporting system, the commerce department shall order it to take corrective action during a specified period; and if it fails to do so, impose a fine of not less than 100,000 yuan nor more than 500,000 yuan on it

Article 38 The violations of laws and regulations committed by foreign investors and foreign-funded enterprises shall be investigated by the relevant departments according

to the law and included in the credit information system according to the relevant provisions issued by the state.

Article 39 Where an employee of an administrative agency abuses powers, neglects duties, practices favoritism, or makes falsification for personal gain during the promotion, protection, and administration of foreign investment or divulges or illegal provides others with any trade secret to which he or she has access in performing his or her duties, disciplinary action shall be taken against the employee according to the law; and if it is criminally punishable, the employee shall be held criminally liable according to the law.

Chapter VI Supplemental Provisions

Article 40 Where any country or region adopts any prohibitive, restrictive or other similar discriminatory measures against the People's Republic of China in terms of investment, the People's Republic of China may adopt corresponding measures against the aforesaid country or region according to the actual circumstances.

Article 41 Where the state has issued any other provisions on foreign investors' investment in the banking, securities, insurance, and other financial industries or the securities, foreign exchange, and other financial markets within China, such provisions shall prevail.

Article 42 This Law shall come into force on January 1, 2020, upon which the Law of the People's Republic of China on Chinese-foreign Equity Joint Ventures, the Law of the People's Republic of China on Wholly Foreign-Owned Enterprises, and the Law of the People's Republic of China on Chinese-foreign Cooperative Joint Ventures shall be repealed.

Foreign-funded enterprises formed under the Law of the People's Republic of China on Chinese-foreign Equity Joint Ventures, the Law of the People's Republic of China on Wholly Foreign-Owned Enterprises, and the Law of the People's Republic of China on Chinese-foreign Cooperative Joint Ventures before this Law comes into force may maintain their original business forms, among others, for five years after this Law comes into force. The specific implementing measures shall be developed by the State Council.

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