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# 中华人民共和国商业银行法（2015修正）

# Commercial Banking Law of the People’s Republic of China (Revision 2015)

中华人民共和国商业银行法

Commercial Banking Law of the People’s Republic of

（1995年5月10日第八届全国人民代表大会常务委员会第十三次会议通过根据2003年12月27日第十届全国人民代表大会常务委员会第六次会议《关于修改〈中华人民共和国商业银行法〉的决定》第一次修正根据2015年8月29日第十二届全国人民代表大会常务委员会第十六次会议《关于修改〈中华人民共和国商业银行法〉的决定》第二次修正）

(Adopted at the 13th Session of the Standing Committee of the 8th National People's Congress on May 10, 1995; amended for the first time according to the Decision on Revising the Law of the People's Republic of China on Commercial Banks passed at the 6th Session of the Standing Committee of the 10th National People's Congress on December 27, 2003; and amended for the second time according to the Decision on Revising the Law of the People's Republic of China on Commercial Banks passed at the 16th Session of the Standing Committee of the 12th National People's Congress on August 29, 2015)

第一章 总则

Chapter 1 General Provisions

第一条   为了保护商业银行、存款人和其他客户的合法权益，规范商业银行的行为，提高信贷资产质量，加强监督管理，保障商业银行的稳健运行，维护金融秩序，促进社会主义市场经济的发展，制定本法。

Article 1 This Law is formulated in order to protect the lawful rights and interests of commercial banks, depositors and other clients, to standardize the behavior of commercial banks, to raise the quality of credit assets, to strengthen supervision and control, to ensure the sound and stable operation of commercial banks, to maintain financial order and to promote the development of the socialist market economy.

第二条   本法所称的商业银行是指依照本法和《中华人民共和国公司法》设立的吸收公众存款、发放贷款、办理结算等业务的企业法人。

Article 2 For the purposes of this Law, the term "commercial banks" means business entities that are established in conformity with this Law and the Company Law of the People's Republic of China and that take in deposits from the general public, grant loans, handle settlements, etc.

第三条   商业银行可以经营下列部分或者全部业务：

Article 3 A commercial bank may engage in some or all of the following business operations:

（一）吸收公众存款；

1. taking public deposits;

（二）发放短期、中期和长期贷款；

2. Issuing short-term, medium-term and long-term loans;

（三）办理国内外结算；

(III) Handling domestic and foreign settlements;

（四）办理票据承兑与贴现；

4. handling the acceptance and discount of negotiable instruments;

（五）发行金融债券；

(V) Issuing financial bonds;

（六）代理发行、代理兑付、承销政府债券；

(VI) Issuing, cashing and undertaking the sale of government bonds as agents;

（七）买卖政府债券、金融债券；

(VII) buying and selling government bonds or financial bonds;

（八）从事同业拆借；

(VIII) engaging in inter-bank borrowing business;

（九）买卖、代理买卖外汇；

(IX) Trading and trading as an agent foreign exchange;

（十）从事银行卡业务；

(X) Running business of bank cards;

（十一）提供信用证服务及担保；

(XI) providing letter of credit services and guarantee;

（十二）代理收付款项及代理保险业务；

(XII) Handling receipts and payments and insurance business as agents;

（十三）提供保管箱服务；

(XIII) to provide safe deposit box service;

（十四）经国务院银行业监督管理机构批准的其他业务。

(XIV) other business approved by the banking regulatory authority of the State Council.

经营范围由商业银行章程规定，报国务院银行业监督管理机构批准。

The business scope of a commercial bank shall be specified in the articles of association of the bank and reported to the banking regulatory organ of the State Council for approval.

商业银行经中国人民银行批准，可以经营结汇、售汇业务。

. Commercial banks may engage in sale and purchase of foreign currencies upon approval by the People's Bank of China.

第四条   商业银行以安全性、流动性、效益性为经营原则，实行自主经营，自担风险，自负盈亏，自我约束。

Article 4 Commercial banks shall operate under the principles of safety, liquidity and efficiency, with full autonomy and assume sole responsibility for their own risks, profits and losses, and with self-restraint.

商业银行依法开展业务，不受任何单位和个人的干涉。

Commercial banks shall carry out business in accordance with the law, free from interference from any entity or individual.

商业银行以其全部法人财产独立承担民事责任。

Commercial banks shall bear civil liabilities independently with all their properties as legal persons.

第五条   商业银行与客户的业务往来，应当遵循平等、自愿、公平和诚实信用的原则。

Article 5 Commercial banks shall follow the principles of equality, voluntariness, fairness, and good faith in their services to clients.

第六条   商业银行应当保障存款人的合法权益不受任何单位和个人的侵犯。

Article 6 Commercial banks shall protect the lawful rights and interests of depositors against infringement by any entity or individual.

第七条   商业银行开展信贷业务，应当严格审查借款人的资信，实行担保，保障按期收回贷款。

Article 7 In credit transactions, commercial banks shall strictly examine the credit-worthiness of a borrower and implement the system of guaranty in order to ensure that the loan is recovered on schedule.

商业银行依法向借款人收回到期贷款的本金和利息，受法律保护。

Commercial banks shall be protected by law when they recover the principal of loans that have become due and the interest thereon from the borrowers in accordance with legal provisions.

第八条   商业银行开展业务，应当遵守法律、行政法规的有关规定，不得损害国家利益、社会公共利益。

Article 8 In business transactions, commercial banks shall abide by the relevant provisions of laws and administrative rules and regulations and may not harm the interests of the State or of the public.

第九条   商业银行开展业务，应当遵守公平竞争的原则，不得从事不正当竞争。

Article 9 In business transactions, commercial banks shall abide by the principle of fair competition and may not engage in illegitimate competition.

第十条   商业银行依法接受国务院银行业监督管理机构的监督管理，但法律规定其有关业务接受其他监督管理部门或者机构监督管理的，依照其规定。

Article 10 Commercial banks shall be subject to the supervision of the banking regulatory organ of the State Council according to law, unless otherwise the law prescribes that the relevant business thereof shall be subject to the supervision of any other regulatory department or organ, the provisions shall prevail.

第二章 商业银行的设立和组织机构

Chapter 2 Establishment and Organizational Structure of Commercial Banks

第十一条   设立商业银行，应当经国务院银行业监督管理机构审查批准。

Article 11 The establishment of a commercial bank shall be subject to the examination and approval of the banking regulatory organ of the State Council.

未经国务院银行业监督管理机构批准，任何单位和个人不得从事吸收公众存款等商业银行业务，任何单位不得在名称中使用“银行”字样。

No organisation or individual shall engage in commercial bank business operations such as acceptance of public deposits or use the word "bank" in its name without approval of the banking supervision and administration authority of the State Council.

第十二条   设立商业银行，应当具备下列条件：

Article 12 The establishment of a commercial bank shall satisfy the following requirements:

（一）有符合本法和《中华人民共和国公司法》规定的章程；

1. it shall have articles of association as provided for in this Law and the Company Law of the People's Republic of China;

（二）有符合本法规定的注册资本最低限额；

2. It shall have the minimum registered capital provided for in this law;

（三）有具备任职专业知识和业务工作经验的董事、高级管理人员；

(III) It has directors and senior managers with professional knowledge and work experience;

（四）有健全的组织机构和管理制度；

(IV) It has a sound organizational structure and management rules; and

（五）有符合要求的营业场所、安全防范措施和与业务有关的其他设施。

(V) It has qualified business place, safety protection measures and other relevant facilities for its business.

设立商业银行，还应当符合其他审慎性条件。

The establishment of a commercial bank shall also meet other prudential conditions.

第十三条   设立全国性商业银行的注册资本最低限额为十亿元人民币。设立城市商业银行的注册资本最低限额为一亿元人民币，设立农村商业银行的注册资本最低限额为五千万元人民币。注册资本应当是实缴资本。

Article 13 The minimum amount of registered capital for establishing a national commercial bank shall be CNY1 billion. The minimum amount of registered capital for establishing a city commercial bank shall be CNY100 million, and for a rural commercial bank the minimum amount of registered capital shall be CNY50 million. The registered capital shall be paid-in capital.

国务院银行业监督管理机构根据审慎监管的要求可以调整注册资本最低限额，但不得少于前款规定的限额。

The banking regulatory authority of the State Council may adjust the minimum amount of registered capital in accordance with prudential regulatory requirements, provided that the minimum amount shall not be less than the amount stipulated in the preceding paragraph.

第十四条   设立商业银行，申请人应当向国务院银行业监督管理机构提交下列文件、资料：

Article 14 An applicant shall submit the following documents and materials to the banking regulatory organ of the State Council for establishing a commercial bank:

（一）申请书，申请书应当载明拟设立的商业银行的名称、所在地、注册资本、业务范围等；

1. An application, specifying the name, location, registered capital and business scope of the commercial bank to be established;

（二）可行性研究报告；

2. feasibility study report;

（三）国务院银行业监督管理机构规定提交的其他文件、资料。

(III) Other documents and materials that shall be submitted as required by the banking regulatory organ of the State Council.

第十五条   设立商业银行的申请经审查符合本法第十四条规定的，申请人应当填写正式申请表，并提交下列文件、资料：

Article 15 If an application for establishing a commercial bank is found, after examination, to be in conformity with the provisions of Article 14 of this Law, the applicant shall complete an official application form and provide the following documents and information:

（一）章程草案；

1. draft articles of association;

（二）拟任职的董事、高级管理人员的资格证明；

(II) Qualification certificates of the directors and senior management personnel to assume the posts;

（三）法定验资机构出具的验资证明；

(III) A capital assessment certification issued by a statutory capital assessment institution;

（四）股东名册及其出资额、股份；

(IV) List of shareholders and their respective capital contributions and shares;

（五）持有注册资本百分之五以上的股东的资信证明和有关资料；

(V) Certificates of credibility and relevant documents of the shareholders who hold more than 5% of the registered capital;

（六）经营方针和计划；

(VI) business policies and plans;

（七）营业场所、安全防范措施和与业务有关的其他设施的资料；

(VII) information concerning the place of business, security and precautionary measures and other facilities relevant to business operations;

（八）国务院银行业监督管理机构规定的其他文件、资料。

(VIII) Other documents and materials as required by the banking regulatory organ of the State Council.

第十六条   经批准设立的商业银行，由国务院银行业监督管理机构颁发经营许可证，并凭该许可证向工商行政管理部门办理登记，领取营业执照。

Article 16. Commercial banks approved for establishment shall be issued with a business permit by the banking supervision and administration authority of the State Council and shall apply with the business permit to the industrial and commercial administration for registration and a business licence.

第十七条   商业银行的组织形式、组织机构适用《中华人民共和国公司法》的规定。

Article 17 The organizational form and structure of commercial banks shall be governed by the Company Law of the People's Republic of China.

本法施行前设立的商业银行，其组织形式、组织机构不完全符合《中华人民共和国公司法》规定的，可以继续沿用原有的规定，适用前款规定的日期由国务院规定。

Commercial banks, established prior to the implementation of this Law, that do not entirely conform to the provisions of the Company Law of the People's Republic of China in organizational form and structure may continue to be governed by previous regulations. The date on which the preceding paragraph shall apply to such commercial banks shall be specified by the State Council.

第十八条   国有独资商业银行设立监事会。监事会的产生办法由国务院规定。

Article 18 A board of supervisors shall be established in a wholly state-owned commercial bank. Measures for forming the board of supervisors shall be formulated by the State Council.

监事会对国有独资商业银行的信贷资产质量、资产负债比例、国有资产保值增值等情况以及高级管理人员违反法律、行政法规或者章程的行为和损害银行利益的行为进行监督。

The board of supervisors shall exercise supervision over the quality of credit assets of the wholly State-owned commercial bank, its assets-liabilities ratios and maintenance of and increase in the value of State-owned assets, and over the senior administrators of the commercial bank to see whether they violate any laws, administrative rules and regulations or the articles of association or commit any acts which harm the interests of the bank.

第十九条   商业银行根据业务需要可以在中华人民共和国境内外设立分支机构。设立分支机构必须经国务院银行业监督管理机构审查批准。在中华人民共和国境内的分支机构，不按行政区划设立。

Article 19. Commercial banks may establish branches within and outside the People's Republic of China in accordance with their business requirements. Establishment of branches shall be subject to examination and approval by the banking supervision and administration authority of the State Council. The establishment of branches within the People's Republic of China shall not be restricted by the administrative division of regions.

商业银行在中华人民共和国境内设立分支机构，应当按照规定拨付与其经营规模相适应的营运资金额。拨付各分支机构营运资金额的总和，不得超过总行资本金总额的百分之六十。

When a commercial bank establishes a branch within the territory of the People's Republic of China, it shall allocate operating funds in keeping with the scale of its business, in accordance with regulations. The sum total of operation funds allocated to all the branches may not exceed 60 percent of the total amount of the capital of the head office.

第二十条   设立商业银行分支机构，申请人应当向国务院银行业监督管理机构提交下列文件、资料：

Article 20 An applicant shall submit the following documents and materials to the banking regulatory organ of the State Council for setting up branches of a commercial bank:

（一）申请书，申请书应当载明拟设立的分支机构的名称、营运资金额、业务范围、总行及分支机构所在地等；

1. An application, specifying the name, amount of operating funds scope of business of the proposed branch;

（二）申请人最近二年的财务会计报告；

2. the applicant's financial and accounting reports for the last two years;

（三）拟任职的高级管理人员的资格证明；

(III) Qualification certificates of the senior management personnel to be appointed;

（四）经营方针和计划；

(IV) business policies and plans;

（五）营业场所、安全防范措施和与业务有关的其他设施的资料；

(V) information concerning the place of business, security and precautionary measures and other facilities relevant to business operations;

（六）国务院银行业监督管理机构规定的其他文件、资料。

(VI) Other documents and materials as required by the banking regulatory organ of the State Council.

第二十一条   经批准设立的商业银行分支机构，由国务院银行业监督管理机构颁发经营许可证，并凭该许可证向工商行政管理部门办理登记，领取营业执照。

Article 21. Branches of commercial banks approved for establishment shall be issued with a business permit by the banking supervision and administration authority of the State Council and shall apply with the business permit to the industrial and commercial administration for registration and a business licence.

第二十二条   商业银行对其分支机构实行全行统一核算，统一调度资金，分级管理的财务制度。

Article 22 A commercial bank shall adopt a financial system of unified accounting and fund disposition and hierarchical management in respect to its branches.

商业银行分支机构不具有法人资格，在总行授权范围内依法开展业务，其民事责任由总行承担。

Branches of commercial banks shall not have the status of a legal person and shall lawfully conduct their business operations within the scope authorized by their head offices, and their civil liability shall be borne by their head offices.

第二十三条   经批准设立的商业银行及其分支机构，由国务院银行业监督管理机构予以公告。

Article 23 The establishment of a commercial bank and its branches upon approval shall be announced by the banking regulatory organ of the State Council.

商业银行及其分支机构自取得营业执照之日起无正当理由超过六个月未开业的，或者开业后自行停业连续六个月以上的，由国务院银行业监督管理机构吊销其经营许可证，并予以公告。

If a commercial bank or branch thereof fails, without good reason, to start business more than six months after the date of obtaining its business license or, after starting business, suspends its business at its own will for a continuous period of six months or more, the banking regulatory organ of the State Council shall revoke its permit for operation and make a public announcement to that effect.

第二十四条   商业银行有下列变更事项之一的，应当经国务院银行业监督管理机构批准：

Article 24 A commercial bank shall be subject to the approval of the banking regulatory organ of the State Council for alteration of any of the following matters:

（一）变更名称；

1. change of name;

（二）变更注册资本；

2. change of registered capital;

（三）变更总行或者分支行所在地；

(III) Changes to location of the head office or branches;

（四）调整业务范围；

(IV) Adjustment of business scope;

（五）变更持有资本总额或者股份总额百分之五以上的股东；

(V) any change in shareholders holding more than 5% of the total capital or shares;

（六）修改章程；

(VI) Modifying the articles of association;

（七）国务院银行业监督管理机构规定的其他变更事项。

(VII) Other matters as prescribed by the banking regulatory organ of the State Council.

更换董事、高级管理人员时，应当报经国务院银行业监督管理机构审查其任职资格。

In case of replacing any director or senior management personnel, a commercial bank shall report to the banking regulatory organ of the State Council for examination on their qualifications for assuming the posts.

第二十五条   商业银行的分立、合并，适用《中华人民共和国公司法》的规定。

Article 25. Sub-division and merger of commercial banks shall comply with the provisions of the Company Law of the People's Republic of China.

商业银行的分立、合并，应当经国务院银行业监督管理机构审查批准。

The division and merger of a commercial bank shall be subject to the examination and approval of the banking regulatory organ of the State Council.

第二十六条   商业银行应当依照法律、行政法规的规定使用经营许可证。禁止伪造、变造、转让、出租、出借经营许可证。

Article 26 A commercial bank shall use its permit for operation in accordance with the provisions of laws and administrative regulations. No permit for operation may be forged, altered, transferred, leased out, or lent.

第二十七条   有下列情形之一的，不得担任商业银行的董事、高级管理人员：

Article 27 None of the following persons may hold the position of director or senior manager of a commercial bank:

（一）因犯有贪污、贿赂、侵占财产、挪用财产罪或者破坏社会经济秩序罪，被判处刑罚，或者因犯罪被剥夺政治权利的；

1. having been sentenced to criminal punishment for the crime of embezzlement, bribery, seizure or misappropriation of property or for undermining the social economic order, or having been deprived of political rights for committing a crime;

（二）担任因经营不善破产清算的公司、企业的董事或者厂长、经理，并对该公司、企业的破产负有个人责任的；

2. directors of companies or enterprises, or factory directors or managers who have been subjected to bankruptcy liquidation due to mismanagement, and who bear personal liability for the bankruptcy;

（三）担任因违法被吊销营业执照的公司、企业的法定代表人，并负有个人责任的；

(III) having served as the legal representative of a company whose business license had been revoked due to a violation of law and having been personally responsible therefor;

（四）个人所负数额较大的债务到期未清偿的。

(IV) persons with comparatively large amounts of overdue personal debts.

第二十八条   任何单位和个人购买商业银行股份总额百分之五以上的，应当事先经国务院银行业监督管理机构批准。

Article 28 Any entity or individual who wants to buy more than 5% of the total amount of shares of a commercial bank shall be subject to the approval of the banking regulatory organ of the State Council in advance.

第三章 对存款人的保护

Chapter 3 Protection of depositors

第二十九条   商业银行办理个人储蓄存款业务，应当遵循存款自愿、取款自由、存款有息、为存款人保密的原则。

Article 29 In handling savings deposits for individuals, commercial banks shall adhere to the principles of voluntary deposit, freedom of withdrawal, interest on deposits and confidentiality for the depositors.

对个人储蓄存款，商业银行有权拒绝任何单位或者个人查询、冻结、扣划，但法律另有规定的除外。

Commercial banks shall have the right to refuse to answer the inquiries into and to refuse to freeze, deduct or transfer an individual's savings deposits as made or requested by any unit or individual, unless otherwise provided for by law.

第三十条   对单位存款，商业银行有权拒绝任何单位或者个人查询，但法律、行政法规另有规定的除外；有权拒绝任何单位或者个人冻结、扣划，但法律另有规定的除外。

Article 30 Commercial banks shall have the right to refuse to answer the inquiries into a unit's deposits by any other unit or individual, except where otherwise provided for by laws and administrative rules and regulations, and shall have the right to refuse to freeze, deduct or transfer a unit's deposits as requested by any other unit or individual, except where otherwise provided for by law.

第三十一条   商业银行应当按照中国人民银行规定的存款利率的上下限，确定存款利率，并予以公告。

Article 31 Commercial banks shall determine the interest rates on deposits in accordance with the upper and lower limits interest rates on deposits specified by the People's Bank of China and make them known to the public.

第三十二条   商业银行应当按照中国人民银行的规定，向中国人民银行交存存款准备金，留足备付金。

Article 32 A commercial bank should pay a certain amount of deposit reserve fund to the People's Bank of China and keep adequate deposit funds in accordance with the provisions of the PBC.

第三十三条   商业银行应当保证存款本金和利息的支付，不得拖延、拒绝支付存款本金和利息。

Article 33. Commercial banks shall ensure payment of principal and interest on deposits and shall not delay or refuse payment of principal and interest on deposits.

第四章 贷款和其他业务的基本规则

Chapter 4 Basic Rules Governing Loans and Other Businesses

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。

Article 34 Commercial banks shall carry out their loan business upon the needs of national economy and the social development and under the guidance of the state industrial policies.

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。

Article 35 When granting a loan, commercial banks shall strictly examine the borrower's purpose for the loan, ability to repay the loan, method of repayment, etc.

商业银行贷款，应当实行审贷分离、分级审批的制度。

When granting a loan, commercial banks shall implement the system of separating the examination of a loan from the actual provision of the loan and the system of examination and approval at different levels.

第三十六条   商业银行贷款，借款人应当提供担保。商业银行应当对保证人的偿还能力，抵押物、质物的权属和价值以及实现抵押权、质权的可行性进行严格审查。

Article 36. Commercial banks shall require provision of guarantee by borrowers. The commercial bank shall strictly examine the surety's ability to repay the loan, the ownership and value of the mortgage or the collateral and feasibility of realizing the right of mortgage or right of pledge.

经商业银行审查、评估，确认借款人资信良好，确能偿还贷款的，可以不提供担保。

If, after examination and appraisal by a commercial bank, a borrower's credit is found to be good, and the borrower is deemed truly able to repay the loan, the borrower need not provide a guaranty.

第三十七条   商业银行贷款，应当与借款人订立书面合同。合同应当约定贷款种类、借款用途、金额、利率、还款期限、还款方式、违约责任和双方认为需要约定的其他事项。

Article 37 To grant a loan, a commercial bank shall sign a written contract with the borrower. The contract shall stipulate the type, purpose, amount and interest rate of the loan, the time limit for repayment, repayment method, liabilities for breach of contract and other matters deemed necessary by the Parties.

第三十八条   商业银行应当按照中国人民银行规定的贷款利率的上下限，确定贷款利率。

Article 38 Commercial banks shall determine their loan interest rates in accordance with the upper and lower limits for loan interest rates prescribed by the People's Bank of China.

第三十九条   商业银行贷款，应当遵守下列资产负债比例管理的规定：

Article 39 In granting loans, a commercial bank shall observe the following provisions on the management of the asset-liability ratio:

（一）资本充足率不得低于百分之八；

1. Its capital adequacy ratio may not be lower than 8%;

（二）流动性资产余额与流动性负债余额的比例不得低于百分之二十五；

2. The proportion of the balance of circulating assets and the balance of circulating liabilities shall not be lower than 25%;

（三）对同一借款人的贷款余额与商业银行资本余额的比例不得超过百分之十；

(III) The ratio of the balance of loans to the same borrower and the balance of capital of the commercial bank shall not exceed 10%; and

（四）国务院银行业监督管理机构对资产负债比例管理的其他规定。

(IV) other provisions of the banking regulatory authority of the State Council on administration of asset liability ratios.

本法施行前设立的商业银行，在本法施行后，其资产负债比例不符合前款规定的，应当在一定的期限内符合前款规定。具体办法由国务院规定。

If, after the implementation of this Law, the asset-liability ratio of a commercial bank established prior to the implementation of this Law is found not in conformity with the provisions of the preceding paragraph, the bank shall make it conform to the provisions of the preceding paragraph within a certain period of time. The specific measures shall be formulated by the State Council.

第四十条   商业银行不得向关系人发放信用贷款；向关系人发放担保贷款的条件不得优于其他借款人同类贷款的条件。

Article 40 Commercial banks may not grant fiduciary loans to their connections. The conditions for granting secured loans to their connections may not be more preferential than those for granting the same type of loans to other borrowers.

前款所称关系人是指：

The connected persons mentioned above refer to:

（一）商业银行的董事、监事、管理人员、信贷业务人员及其近亲属；

1. directors, supervisors, managers, credit officers of the commercial bank and their close relatives;

（二）前项所列人员投资或者担任高级管理职务的公司、企业和其他经济组织。

(II) Companies, enterprises and other economic organizations in which the persons listed in the preceding item have investment or hold senior managerial positions.

第四十一条   任何单位和个人不得强令商业银行发放贷款或者提供担保。商业银行有权拒绝任何单位和个人强令要求其发放贷款或者提供担保。

Article 41 No organisation or individual shall coerce a commercial bank into granting loans or providing guarantee. Commercial banks shall have the right to refuse the request of any organisation or individual for granting of loans or provision of guarantee.

第四十二条   借款人应当按期归还贷款的本金和利息。

Article 42 Borrowers of loans shall repay the principal and interest of the loans on time.

借款人到期不归还担保贷款的，商业银行依法享有要求保证人归还贷款本金和利息或者就该担保物优先受偿的权利。商业银行因行使抵押权、质权而取得的不动产或者股权，应当自取得之日起二年内予以处分。

If a borrower fails to repay a secured loan upon maturity, the commercial bank shall lawfully have the right to require the surety to repay the loan principal and the interest thereon or the right to preferential compensation in respect of the collateral. Immovable property or equity obtained by commercial banks in the exercise of mortgage or pledge rights shall be disposed within two years from the date of obtaining such immovable property or equity rights.

借款人到期不归还信用贷款的，应当按照合同约定承担责任。

If a borrower fails to repay a fiduciary loan upon maturity, he shall bear liability in accordance with the provisions of the contract.

第四十三条   商业银行在中华人民共和国境内不得从事信托投资和证券经营业务，不得向非自用不动产投资或者向非银行金融机构和企业投资，但国家另有规定的除外。

Article 43 No commercial banks shall undertake the businesses of trust and investment and securities dealing business, nor shall they invest in the non-self-use real property or non-bank financial institutions and enterprises, unless it is otherwise prescribed by the state.

第四十四条   商业银行办理票据承兑、汇兑、委托收款等结算业务，应当按照规定的期限兑现，收付入账，不得压单、压票或者违反规定退票。有关兑现、收付入账期限的规定应当公布。

Article 44 In handling account settlement businesses such as acceptance, remittance and collections of negotiable instruments, a commercial bank shall cash in and enter the receipts and payment into the account book within the prescribed time limit and shall not hold down the bill or negotiable instruments or return them in violation of regulations. The provisions on the time limit for cashing in and entering the receipts and payments into the account books shall be announced.

第四十五条   商业银行发行金融债券或者到境外借款，应当依照法律、行政法规的规定报经批准。

Article 45 In issuing financial bonds or getting loans overseas, a commercial bank shall file an application for approval in accordance with laws and administrative regulations.

第四十六条   同业拆借，应当遵守中国人民银行的规定。禁止利用拆入资金发放固定资产贷款或者用于投资。

Article 46 Inter-bank loans shall be in compliance with the provisions of the People's Bank of China. No capital borrowed may be used for granting loans on fixed assets or for investment.

拆出资金限于交足存款准备金、留足备付金和归还中国人民银行到期贷款之后的闲置资金。拆入资金用于弥补票据结算、联行汇差头寸的不足和解决临时性周转资金的需要。

Funds lent under such loans shall be limited to idle funds that remain after a sufficient reserve against deposit has been retained, sufficient provision for payment has been made and matured loans from the People's Bank of China have been repaid. The borrowed funds shall be used to make up the bill settlement, the shortage of the inter-bank exchange balance position and the need for temporary working capital.

第四十七条   商业银行不得违反规定提高或者降低利率以及采用其他不正当手段，吸收存款，发放贷款。

Article 47 Commercial banks may not raise or lower interest rates in violation of regulations or use other improper means to take in deposits or grant loans.

第四十八条   企业事业单位可以自主选择一家商业银行的营业场所开立一个办理日常转账结算和现金收付的基本账户，不得开立两个以上基本账户。

Article 48 Enterprises and institutions may choose on their own will a commercial bank to open their own basic accounts for daily transference and settlement of accounts and cash receipts and payment, but they are prohibited to open two or more basic accounts.

任何单位和个人不得将单位的资金以个人名义开立账户存储。

No organisation or individual shall open a personal savings account using the funds of an organisation.

第四十九条   商业银行的营业时间应当方便客户，并予以公告。商业银行应当在公告的营业时间内营业，不得擅自停止营业或者缩短营业时间。

Article 49 The business hours of commercial banks shall be such as to be convenient to clients and shall be announced. Commercial banks shall carry out business during announced business hours; they may not suspend business or shorten their business hours without authorization.

第五十条   商业银行办理业务，提供服务，按照规定收取手续费。收费项目和标准由国务院银行业监督管理机构、中国人民银行根据职责分工，分别会同国务院价格主管部门制定。

Article 50 A commercial bank may charge handling fees as prescribed in handling business or providing services. The charging items and standards shall be formulated by the banking regulatory organ of the State Council, the People's Bank of China according to their own functions, or jointly with the price administrative department of the State Council.

第五十一条   商业银行应当按照国家有关规定保存财务会计报表、业务合同以及其他资料。

Article 51. Commercial banks shall keep financial accounting statements, business contracts and other information in accordance with relevant State regulations.

第五十二条   商业银行的工作人员应当遵守法律、行政法规和其他各项业务管理的规定，不得有下列行为：

Article 52 Employees of commercial banks shall abide by laws and administrative rules and regulations and all other regulations for the control of business operations; they may not:

（一）利用职务上的便利，索取、收受贿赂或者违反国家规定收受各种名义的回扣、手续费；

1. taking advantage of their positions to demand, receive or accept bribes, or violating State regulations to accept or accept rebates or commissions of any description;

（二）利用职务上的便利，贪污、挪用、侵占本行或者客户的资金；

(II) use their positions to embezzle, misappropriate or seize money belonging to the bank or any client;

（三）违反规定徇私向亲属、朋友发放贷款或者提供担保；

(III) Privately granting loans to or providing guarantee for relatives and friends in violation of the relevant provisions;

（四）在其他经济组织兼职；

(IV) hold a concurrent post in another economic organization;

（五）违反法律、行政法规和业务管理规定的其他行为。

(V) other acts in violation of laws, administrative regulations and provisions on business management.

第五十三条   商业银行的工作人员不得泄露其在任职期间知悉的国家秘密、商业秘密。

Article 53 No employees of commercial banks may disclose State or commercial secrets that they come to know during their employment.

第五章 财务会计

Chapter 5 Financial Affairs and Accounting

第五十四条   商业银行应当依照法律和国家统一的会计制度以及国务院银行业监督管理机构的有关规定，建立、健全本行的财务、会计制度。

Article 54 Commercial banks shall establish and perfect their own financial and accounting systems in accordance with laws, the state's unified accounting system and the relevant provisions of the banking regulatory organ of the State Council.

第五十五条   商业银行应当按照国家有关规定，真实记录并全面反映其业务活动和财务状况，编制年度财务会计报告，及时向国务院银行业监督管理机构、中国人民银行和国务院财政部门报送。商业银行不得在法定的会计账册外另立会计账册。

Article 55 A commercial bank shall, according to the relevant state provisions, truthfully record and reflect their business activities and financial status, work out annual financial report, and report to the banking regulatory organ of the State Council, the People's Bank of China, and the financial departments of the State Council in time. Commercial banks may not establish any account books in addition to statutory account books.

第五十六条   商业银行应当于每一会计年度终了三个月内，按照国务院银行业监督管理机构的规定，公布其上一年度的经营业绩和审计报告。

Article 56. Commercial banks shall announce their business results and audit reports within 3 months from the financial year-end in accordance with provisions of the banking supervision and administration authority of the State Council.

第五十七条   商业银行应当按照国家有关规定，提取呆账准备金，冲销呆账。

Article 57 Commercial banks shall draw reserve against bad debts to offset the bad debts in accordance with the relevant provisions of the state.

第五十八条   商业银行的会计年度自公历l月1日起至12月31日止。

Article 58. The fiscal year of commercial banks shall commence on 1 January and end on 31 December of the Gregorian calendar.

第六章 监督管理

Chapter 6 Supervision and Administration

第五十九条   商业银行应当按照有关规定，制定本行的业务规则，建立、健全本行的风险管理和内部控制制度。

Article 59 A commercial bank shall, according to relevant provisions, formulate its own business regulations, and establish and perfect the risk control and internal control systems of the bank.

第六十条   商业银行应当建立、健全本行对存款、贷款、结算、呆账等各项情况的稽核、检查制度。

Article 60 Commercial banks shall establish and perfect their own systems for examination and inspection of deposits, loans, settlements, doubtful accounts, etc,.

商业银行对分支机构应当进行经常性的稽核和检查监督。

A commercial bank shall conduct regular examination and checks on its branches.

第六十一条   商业银行应当按照规定向国务院银行业监督管理机构、中国人民银行报送资产负债表、利润表以及其他财务会计、统计报表和资料。

Article 61 A commercial bank shall report balance sheets, statements of profits, and other financial statements and statistical reports and documents to the banking regulatory organ of the State Council and the People's Bank of China.

第六十二条   国务院银行业监督管理机构有权依照本法第三章、第四章、第五章的规定，随时对商业银行的存款、贷款、结算、呆账等情况进行检查监督。检查监督时，检查监督人员应当出示合法的证件。商业银行应当按照国务院银行业监督管理机构的要求，提供财务会计资料、业务合同和有关经营管理方面的其他信息。

Article 62 The banking regulatory organ of the State Council shall have the right to check on and supervise over the deposits, loans, settlement and bad debts, and other conditions of the commercial banks at any time in pursuance of the provisions of Chapter III, Chapter IV, and Chapter V of this Law. When carrying out inspection and supervision, the inspectors and supervisors shall produce their lawful identification papers. . Commercial banks shall provide financial and accounting information, business contracts and other information on business management in accordance with the requirements of the banking supervision and administration authority of the State Council.

中国人民银行有权依照《中华人民共和国中国人民银行法》第三十二条、第三十四条的规定对商业银行进行检查监督。

The People's Bank of China has the right to make examination on and supervision over the commercial banks in accordance with the provisions of Article 32 and Article 34 of the Law of the People's Republic of China on the People's Bank of China.

第六十三条   商业银行应当依法接受审计机关的审计监督。

Article 63 Commercial banks shall, in accordance with the law, accept supervision through auditing by auditing authorities.

第七章 接管和终止

Chapter 7 Taking over and Termination

第六十四条   商业银行已经或者可能发生信用危机，严重影响存款人的利益时，国务院银行业监督管理机构可以对该银行实行接管。

Article 64 In case a commercial bank has occurred or may occur creditability crisis, which may seriously influence the interests of the depositors, the banking regulatory organ of the State Council may take over the bank.

接管的目的是对被接管的商业银行采取必要措施，以保护存款人的利益，恢复商业银行的正常经营能力。被接管的商业银行的债权债务关系不因接管而变化。

The purposes of assumption of control are, through taking such measures as are necessary in respect of the commercial bank over which control is assumed, to protect the interests of the depositors and to enable the commercial bank to resume normal business. The debtor-creditor relationships of the commercial bank shall not be affected by the take-over.

第六十五条   接管由国务院银行业监督管理机构决定，并组织实施。国务院银行业监督管理机构的接管决定应当载明下列内容：

Article 65 The banking regulatory organ of the State Council shall determine and organize the implementation of the take-over. The decision of the banking regulatory organ of the State Council on the take-over shall specify the following contents:

（一）被接管的商业银行名称；

1. the name of the commercial bank to be taken over;

（二）接管理由；

2. the reason for the take-over;

（三）接管组织；

(III) the organization of the take-over;

（四）接管期限。

4. The term of the take-over.

接管决定由国务院银行业监督管理机构予以公告。

The decision on taking over a commercial bank shall be announced by the banking regulatory organ of the State Council.

第六十六条   接管自接管决定实施之日起开始。

Article 66. The take-over shall commence on the date of implementation of the take-over decision.

自接管开始之日起，由接管组织行使商业银行的经营管理权力。

The organisation which takes over the commercial bank shall exercise the business management powers of the commercial bank from the date of commencement of the take-over.

第六十七条   接管期限届满，国务院银行业监督管理机构可以决定延期，但接管期限最长不得超过二年。

Article 67 At the expiration of the take-over term, the banking regulatory organ of the State Council may determine to extend the term, but the maximum term for the take-over shall not exceed two years.

第六十八条   有下列情形之一的，接管终止：

Article 68 In any of the following circumstances, the control shall be terminated:

（一）接管决定规定的期限届满或者国务院银行业监督管理机构决定的接管延期届满；

1. the term prescribed in the take-over decision expires, or the extended term of take-over as determined by the banking regulatory organ of the State Council expires;

（二）接管期限届满前，该商业银行已恢复正常经营能力；

(II) the commercial bank has recovered its ability of normal operation before the expiration of the term for take-over;

（三）接管期限届满前，该商业银行被合并或者被依法宣告破产。

(III) the commercial bank is merged or is declared bankrupt according to law before expiration of the term for take-over.

第六十九条   商业银行因分立、合并或者出现公司章程规定的解散事由需要解散的，应当向国务院银行业监督管理机构提出申请，并附解散的理由和支付存款的本金和利息等债务清偿计划。经国务院银行业监督管理机构批准后解散。

Article 69 A commercial bank should apply to the banking regulatory organ of the State Council for dissolution due to division or merger or other reasons as set down in the articles of association of the bank, and the application should be accompanied with the reasons for the dissolution and the plan for balance settlement such as paying the principal and interest of the deposits. The commercial bank shall be dissolved upon approval by the banking regulatory department of the State Council.

商业银行解散的，应当依法成立清算组，进行清算，按照清偿计划及时偿还存款本金和利息等债务。国务院银行业监督管理机构监督清算过程。

If a commercial bank is to be dissolved, a liquidation team shall be formed pursuant to law. The team shall, in accordance with the plan for the settlement of debts, carry out liquidation and without delay pay debts such as the principal of the deposits and the interest thereon. The banking regulatory authority of the State Council shall supervise the liquidation process.

第七十条   商业银行因吊销经营许可证被撤销的，国务院银行业监督管理机构应当依法及时组织成立清算组，进行清算，按照清偿计划及时偿还存款本金和利息等债务。

Article 70 In the event that a commercial bank is dissolved due to revocation of the permit for operation, the banking regulatory organ of the State Council shall organize to form a liquidation group according to law to make liquidation and pay its debts such as the principals and interests of deposits in time according to the repayment plan.

第七十一条   商业银行不能支付到期债务，经国务院银行业监督管理机构同意，由人民法院依法宣告其破产。商业银行被宣告破产的，由人民法院组织国务院银行业监督管理机构等有关部门和有关人员成立清算组，进行清算。

Article 71 Where a commercial bank is unable to pay the debts due, it may be adjudicated bankrupt by the people's courts according to law with the consent of the banking regulatory organ of the State Council. If a commercial bank is declared bankrupt, the People's Court shall organize the banking regulatory organ of the State Council and other relevant departments and persons to form a liquidation group for carrying out the liquidation.

商业银行破产清算时，在支付清算费用、所欠职工工资和劳动保险费用后，应当优先支付个人储蓄存款的本金和利息。

When liquidation is carried out after a commercial bank is declared bankrupt, payment of the principal of savings deposits of individuals and the interest thereon shall be given priority after the liquidation expenses, the wages owed to the employees and labor insurance premiums have been paid.

第七十二条   商业银行因解散、被撤销和被宣告破产而终止。

Article 72 Commercial banks shall terminate if dissolved, closed down or declared bankrupt.

第八章 法律责任

Chapter 8 Legal Liabilities

第七十三条   商业银行有下列情形之一，对存款人或者其他客户造成财产损害的，应当承担支付迟延履行的利息以及其他民事责任：

Article 73 In any of the following circumstances, a commercial bank shall undertake to pay interests for the deferred payment and other civil legal liabilities to the property losses of depositors or other clients:

（一）无故拖延、拒绝支付存款本金和利息的；

1. Delaying or refusing the payment of the principal and interest of a deposit without reason;

（二）违反票据承兑等结算业务规定，不予兑现，不予收付入账，压单、压票或者违反规定退票的；

(II) Failing to cash in instrument or record receipts and payments into account books in violation of the provisions on bill acceptance and other provisions on settlement business, holding down bills or instruments or returning the instruments in violation of provisions;

（三）非法查询、冻结、扣划个人储蓄存款或者单位存款的；

(III) Illegally inquiring about, freezing or deducting individual savings deposits or entity deposits; or

（四）违反本法规定对存款人或者其他客户造成损害的其他行为。

(IV) other acts in violation of this Law that cause damage to depositors or other clients.

有前款规定情形的，由国务院银行业监督管理机构责令改正，有违法所得的，没收违法所得，违法所得五万元以上的，并处违法所得一倍以上五倍以下罚款；没有违法所得或者违法所得不足五万元的，处五万元以上五十万元以下罚款。

In the circumstances as prescribed in the preceding paragraph, the banking regulatory organ of the State Council shall order the commercial banks to correct, and confiscate the illegal gains if any, or impose a fine of one time up to five times the illegal gains if the illegal gains are more than CNY50,000; if there are no illegal gains or the illegal gains are less than CNY50,000, a fine of CNY50,000 up to CNY500,000 shall be imposed.

第七十四条   商业银行有下列情形之一，由国务院银行业监督管理机构责令改正，有违法所得的，没收违法所得，违法所得五十万元以上的，并处违法所得一倍以上五倍以下罚款；没有违法所得或者违法所得不足五十万元的，处五十万元以上二百万元以下罚款；情节特别严重或者逾期不改正的，可以责令停业整顿或者吊销其经营许可证；构成犯罪的，依法追究刑事责任：

Article 74 In case a commercial bank has any of the following acts, the banking regulatory organ of the State Council shall order it to correct, and confiscate the illegal gains if any, or impose a fine of one time up to five times the illegal gains if the illegal gains are more than CNY500,000; if there are no illegal gains or the illegal gains are less than CNY500,000, a fine of CNY500,000 up to CNY2 million shall be imposed; if the circumstances are especially serious or the bank fails to correct within a prescribed time limit, the banking regulatory organ of the State Council may order it to straighten out by stopping business operation or revoke its permit for operation; if it constitutes a crime, it shall be subject to criminal liabilities according to law:

（一）未经批准设立分支机构的；

1. establishing branches without approval;

（二）未经批准分立、合并或者违反规定对变更事项不报批的；

(II) Making division or merger without authorization or failing to apply for approval for matters altered in violation of regulations;

（三）违反规定提高或者降低利率以及采用其他不正当手段，吸收存款，发放贷款的；

(III) Increasing or decreasing interest rate in violation of regulations or absorbing deposits or granting loans by any other illegal means;

（四）出租、出借经营许可证的；

(IV) leasing or lending permit for operation;

（五）未经批准买卖、代理买卖外汇的；

(V) Buying and selling foreign exchange by itself or as an agent without authorization;

（六）未经批准买卖政府债券或者发行、买卖金融债券的；

(VI) Buying and selling government bonds or issuing or buying and selling financial bonds without authorization;

（七）违反国家规定从事信托投资和证券经营业务、向非自用不动产投资或者向非银行金融机构和企业投资的；

(VII) Engaging in trust & investment or securities dealing business, investing to non-self-use realty or non-bank financial institutions and enterprises in violation of state provisions; or

（八）向关系人发放信用贷款或者发放担保贷款的条件优于其他借款人同类贷款的条件的。

(VIII) granting fiduciary loans to its connections or granting guaranteed loans to its connections on conditions that are more preferential than those for granting the same type of loans to other borrowers.

第七十五条   商业银行有下列情形之一，由国务院银行业监督管理机构责令改正，并处二十万元以上五十万元以下罚款；情节特别严重或者逾期不改正的，可以责令停业整顿或者吊销其经营许可证；构成犯罪的，依法追究刑事责任：

Article 75 In case a commercial bank has any of the following acts, the banking regulatory organ of the State Council shall order it to correct and impose a fine of CNY200,000 up to CNY500,000; if the circumstances are especially serious or the bank refuses to correct within a prescribed time limit, the banking regulatory organ of the State Council may order them to straighten out by stopping business operation or revoke its permit for operation; if it constitutes a crime, it shall be subject to criminal liabilities according to law:

（一）拒绝或者阻碍国务院银行业监督管理机构检查监督的；

1. Refusing or impeding the inspection and supervision of the banking regulatory organ of the State Council;

（二）提供虚假的或者隐瞒重要事实的财务会计报告、报表和统计报表的；

2. Providing financial report or statement and statistical report which are false or conceal any important facts;

（三）未遵守资本充足率、资产流动性比例、同一借款人贷款比例和国务院银行业监督管理机构有关资产负债比例管理的其他规定的。

(III) Failing to abide by the provisions on capital sufficiency, assets fluidity ratio, proportion of loans granted to a same borrower, and other provisions of the banking regulatory organ of the State Council on the management of the assets liability proportions.

第七十六条   商业银行有下列情形之一，由中国人民银行责令改正，有违法所得的，没收违法所得，违法所得五十万元以上的，并处违法所得一倍以上五倍以下罚款；没有违法所得或者违法所得不足五十万元的，处五十万元以上二百万元以下罚款；情节特别严重或者逾期不改正的，中国人民银行可以建议国务院银行业监督管理机构责令停业整顿或者吊销其经营许可证；构成犯罪的，依法追究刑事责任：

Article 76 In case a commercial bank has any of the following circumstances, the People's Bank of China shall order it to correct, and confiscate the illegal gains if any, or impose a fine of one time up to five times the illegal gains if the illegal gains are more than CNY500,000; if there are no illegal gains or the illegal gains are less than CNY500,000, a fine of CNY500,000 up to CNY2 million shall be imposed; if the circumstance is extremely serious or the bank fails to correct within a prescribed time limit, the People's Bank of China may suggest the banking regulatory organ of the State Council to order it to straighten out by stopping its business operations or revoking its permit for operation; if it constitutes a crime, it shall be subject to criminal liabilities:

（一）未经批准办理结汇、售汇的；

1. Handling exchange settlement or selling without authorization;

（二）未经批准在银行间债券市场发行、买卖金融债券或者到境外借款的；

2. Issuing, buying or selling financial bonds at the inter-bank bonds markets or seeking loans overseas without authorization; or

（三）违反规定同业拆借的。

3. Making inter-bank borrowing or lending in violation of regulations.

第七十七条   商业银行有下列情形之一，由中国人民银行责令改正，并处二十万元以上五十万元以下罚款；情节特别严重或者逾期不改正的，中国人民银行可以建议国务院银行业监督管理机构责令停业整顿或者吊销其经营许可证；构成犯罪的，依法追究刑事责任：

Article 77 In case a commercial bank has any of the following circumstances, the People's Bank of China shall order it to correct, and impose a fine of CNY200,000 up to CNY500,000; if the circumstances are especially serious or the bank refuses to correct within a prescribed time limit, the People's Bank of China may suggest the banking regulatory organ of the State Council to order it to straighten out by stopping its business operations or revoking its permit for operation; in case it constitutes a crime, it shall be subject to criminal liabilities:

（一）拒绝或者阻碍中国人民银行检查监督的；

1. refusing or impeding the inspection and supervision of the People's Bank of China;

（二）提供虚假的或者隐瞒重要事实的财务会计报告、报表和统计报表的；

2. Providing financial report or statement and statistical report which are false or conceal any important facts;

（三）未按照中国人民银行规定的比例交存存款准备金的。

(III) failing to deposit a reserve fund at a rate prescribed by the People's Bank of China.

第七十八条   商业银行有本法第七十三条至第七十七条规定情形的，对直接负责的董事、高级管理人员和其他直接责任人员，应当给予纪律处分；构成犯罪的，依法追究刑事责任。

Article 78 In case a commercial bank has the circumstances as prescribed in Article 73 to Article 77 of this Law, the directors or senior management personnel directly responsible and other persons directly liable shall be given a disciplinary punishment; if it constitutes a crime, they shall be subject to criminal liabilities according to law.

第七十九条   有下列情形之一，由国务院银行业监督管理机构责令改正，有违法所得的，没收违法所得，违法所得五万元以上的，并处违法所得一倍以上五倍以下罚款；没有违法所得或者违法所得不足五万元的，处五万元以上五十万元以下罚款：

Article 79 In any of the following circumstances, the banking regulatory organ of the State Council shall order the commercial banks to correct, and confiscate the illegal gains if any, or impose a fine of one time up to five times the illegal gains if the illegal gains are more than CNY50,000; if there are no illegal gains or the illegal gains are less than CNY50,000, a fine of CNY50,000 up to CNY500,000 shall be imposed:

（一）未经批准在名称中使用“银行”字样的；

1. using the word "bank" in its name without authorization;

（二）未经批准购买商业银行股份总额百分之五以上的；

2. Buying more than 5% of the total shares of the commercial bank without authorization; or

（三）将单位的资金以个人名义开立账户存储的。

3. Opening an account in the name of an individual to deposit the capital of an entity.

第八十条   商业银行不按照规定向国务院银行业监督管理机构报送有关文件、资料的，由国务院银行业监督管理机构责令改正，逾期不改正的，处十万元以上三十万元以下罚款。

Article 80 In the event that a commercial bank fails to report relevant documents and materials to the banking regulatory organ of the State Council as required, the banking regulatory organ of the State Council shall order it to correct, or impose a fine of CNY100 ,000 up to CNY300,000 if it refuses to correct within a prescribed time limit.

商业银行不按照规定向中国人民银行报送有关文件、资料的，由中国人民银行责令改正，逾期不改正的，处十万元以上三十万元以下罚款。

In case a commercial bank fails to report relevant documents or materials to the People's Bank of China as required, the PBC shall order it to correct, or impose a fine of CNY100 ,000 up to CNY300,000 if it refuses to correct within a prescribed time limit.

第八十一条   未经国务院银行业监督管理机构批准，擅自设立商业银行，或者非法吸收公众存款、变相吸收公众存款，构成犯罪的，依法追究刑事责任；并由国务院银行业监督管理机构予以取缔。

Article 81 Those who set up a commercial bank without the approval of the banking regulatory organ of the State Council or absorb public deposits illegally or in any disguised form, which constitute a crime, shall be subject to criminal liabilities according to law; and the bank shall be banned the by banking regulatory organ of the State Council.

伪造、变造、转让商业银行经营许可证，构成犯罪的，依法追究刑事责任。

Whoever forges, alters or transfers the permit for operation of a commercial bank shall, if a crime is constituted, be investigated for criminal liabilities in accordance with law.

第八十二条   借款人采取欺诈手段骗取贷款，构成犯罪的，依法追究刑事责任。

Article 82 A borrower who obtains a loan by fraud thus constituting a crime shall be investigated for criminal responsibility in accordance with law.

第八十三条   有本法第八十一条、第八十二条规定的行为，尚不构成犯罪的，由国务院银行业监督管理机构没收违法所得，违法所得五十万元以上的，并处违法所得一倍以上五倍以下罚款；没有违法所得或者违法所得不足五十万元的，处五十万元以上二百万元以下罚款。

Article 83 In case a commercial bank has any act as prescribed in Article 81 and Article 82 of this Law, which is not serious enough to constitute a crime, the banking regulatory organ of the State Council shall confiscate the illegal gains if any, or impose a fine of one time up to five times the illegal gains if the illegal gains are more than CNY500,000; if there are no illegal gains or the illegal gains are less than CNY500,000, a fine of CNY500,000 up to CNY2 million shall be imposed.

第八十四条   商业银行工作人员利用职务上的便利，索取、收受贿赂或者违反国家规定收受各种名义的回扣、手续费，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，应当给予纪律处分。

Article 84 If employees of a commercial bank use their positions to demand, receive or accept bribes, or receive or accept rebates or commissions of any description in violation of State regulations, and a crime is constituted, criminal responsibility shall be pursued according to law. If the case is not serious enough to constitute a crime, disciplinary measures shall be taken.

有前款行为，发放贷款或者提供担保造成损失的，应当承担全部或者部分赔偿责任。

If anyone commits an act specified in the preceding paragraph and causes losses in granting a loan or providing a guaranty, the person shall be fully or partially liable for compensation.

第八十五条   商业银行工作人员利用职务上的便利，贪污、挪用、侵占本行或者客户资金，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，应当给予纪律处分。

Article 85 If employees of a commercial bank use their positions to embezzle, misappropriate or seize money belonging to the bank or any client, and a crime is constituted thereby, criminal responsibility shall be pursued according to law. If a crime is not constituted, disciplinary measures shall be taken against them.

第八十六条   商业银行工作人员违反本法规定玩忽职守造成损失的，应当给予纪律处分；构成犯罪的，依法追究刑事责任。

Article 86 If employees of a commercial bank cause losses by neglecting their duties in violation of the provisions of this Law, disciplinary measures shall be taken against them. If a crime is constituted, criminal responsibility shall be pursued according to law.

违反规定徇私向亲属、朋友发放贷款或者提供担保造成损失的，应当承担全部或者部分赔偿责任。

If anyone causes losses by practicing favoritism towards his relatives or friends in granting loans or providing guaranty in violation of regulations, the person shall be fully or partially liable for compensation.

第八十七条   商业银行工作人员泄露在任职期间知悉的国家秘密、商业秘密的，应当给予纪律处分；构成犯罪的，依法追究刑事责任。

Article 87 If employees of a commercial bank disclose State or business secrets that they come to know during their employment, disciplinary measures shall be taken against them. If a crime is constituted, criminal responsibility shall be pursued according to law.

第八十八条   单位或者个人强令商业银行发放贷款或者提供担保的，应当对直接负责的主管人员和其他直接责任人员或者个人给予纪律处分；造成损失的，应当承担全部或者部分赔偿责任。

Article 88. Where an organisation or individual compels a commercial bank to grant loans or provide guarantees, the person-in-charge and other personnel directly responsible shall be subject to disciplinary measures and be liable for full or partial compensation.

商业银行的工作人员对单位或者个人强令其发放贷款或者提供担保未予拒绝的，应当给予纪律处分；造成损失的，应当承担相应的赔偿责任。

If employees of a commercial bank fail to refuse to grant a loan or to provide a guaranty forcibly demanded by a unit or individual, disciplinary measures shall be taken against them and, if losses are caused thereby, they shall assume appropriate liability for compensation.

第八十九条   商业银行违反本法规定的，国务院银行业监督管理机构可以区别不同情形，取消其直接负责的董事、高级管理人员一定期限直至终身的任职资格，禁止直接负责的董事、高级管理人员和其他直接责任人员一定期限直至终身从事银行业工作。

Article 89 In case a commercial bank violates the provisions of this Law, the banking regulatory organ of the State Council may disqualify the directors or senior management personnel directly responsible for holding the post for a certain period of time or even disqualify them for lifetime for holding the post, or prohibit the directors or senior management personnel directly responsible and other persons directly liable from holding the post for a certain period of time or even ban them from undertaking the banking work for lifelong in light of the specific circumstances.

商业银行的行为尚不构成犯罪的，对直接负责的董事、高级管理人员和其他直接责任人员，给予警告，处五万元以上五十万元以下罚款。

In case the acts of a commercial bank are not serious enough to constitute a crime, the directors or senior management personnel directly responsible and other persons directly liable shall be given warnings or imposed a fine of CNY50,000 up to CNY500,000.

第九十条   商业银行及其工作人员对国务院银行业监督管理机构、中国人民银行的处罚决定不服的，可以依照《中华人民共和国行政诉讼法》的规定向人民法院提起诉讼。

Article 90 If a commercial bank and its employees refuse to accept the decisions of punishment by the banking regulatory organ of the State Council or the People's Bank of China, they may lodge a complaint to the people's court in accordance with the Law of the People's Republic of China on Administrative Proceedings.

第九章 附则

Chapter 9 Supplementary Provisions

第九十一条   本法施行前，按照国务院的规定经批准设立的商业银行不再办理审批手续。

Article 91 Commercial banks established with approval according to the regulations of the State Council before the promulgation of this Law are no longer required to undergo examination and approval procedures.

第九十二条   外资商业银行、中外合资商业银行、外国商业银行分行适用本法规定，法律、行政法规另有规定的，依照其规定。

Article 92. The provisions of this Law shall apply to foreign-funded commercial banks, Sino-foreign joint equity commercial banks and branches of foreign commercial banks unless otherwise provided by laws and administrative regulations.

第九十三条   城市信用合作社、农村信用合作社办理存款、贷款和结算等业务，适用本法有关规定。

Article 93 The relevant provisions of this Law is applicable to urban and rural credit cooperatives in their handling of deposits, loans, settlement, and other businesses.

第九十四条   邮政企业办理商业银行的有关业务，适用本法有关规定。

Article 94 The relevant provisions of this Law shall be applicable to the postal enterprises in their handling of relevant commercial bank business.

第九十五条   本法自2015年10月1日起施行。

Article 95 The Law shall come into force as of October 1, 2015.