

中国银监会关于中国（上海）自由贸易试验区银行业监管有关问题的通知

Circular of China Banking Regulatory Commission on Issues Concerning Banking Supervision in China (Shanghai) Free Trade Zone

银监发[2013]40号

Yin Jian Fa [2013] No. 40

各银监局，各政策性银行、国有商业银行、股份制商业银行、金融资产管理公司，邮政储蓄银行，银监会直接监管的信托公司、企业集团财务公司、金融租赁公司：

To all offices of the China Banking Regulatory Commission (“CBRC”), policy banks, state-owned commercial banks, joint-stock commercial banks, financial asset management companies, the postal savings bank, trust companies supervised directly by the CBRC, financial companies of enterprise groups and finance leasing companies:

根据党中央、国务院关于建设中国（上海）自由贸易试验区的决定，经国务院同意，现就自贸区内银行业监管有关问题通知如下：

According to the decision of Central Committee of the Communist Party of China and the State Council on establishing the China (Shanghai) Pilot Free Trade Zone (“FTZ”), upon the approval of the State Council, notice on relevant issues concerning banking supervision in the FTZ is as follows:

一、支持中资银行入区发展。允许全国性中资商业银行、政策性银行、上海本地银行在区内新设分行或专营机构。允许将区内现有银行网点升格为分行或支行。在区内增设或升格的银行分支机构不受年度新增网点计划限制。

1. Chinese-funded banks are supported to develop business in the FTZ. National Chinese-funded commercial banks, policy banks, banks in Shanghai are allowed to establish new branches or special institution in the FTZ. The existing bank outlets in the FTZ are allowed to upgrade to branches or sub-branches. The establishment of new FTZ branches and upgrading existing FTZ outlets to branches/sub-branches will not be restricted by the banks' annual branch establishment plan.

二、支持区内设立非银行金融公司。支持区内符合条件的大型企业集团设立企业集团财务公司；支持符合条件的发起人在区内申设汽车金融公司、消费金融公司；支持上海辖内信托公司迁址区内发展；支持全国性金融资产管理公司在区内设立分公司；支持金融租赁公司在区内设立专业子公司。

2. Establishment of non-banking finance companies in the FTZ is supported. Qualified large enterprise groups in the FTZ are supported to establish group finance companies; qualified investors are supported to establish auto finance companies and consumer finance companies in the FTZ; trust companies in Shanghai are supported to relocate into the FTZ; national financial asset management companies are supported to establish branches in the FTZ; finance leasing companies are supported to establish specialized subsidiaries in the FTZ.

三、支持外资银行入区经营。允许符合条件的外资银行在区内设立子行、分行、专营机构和中外合资银行。允许区内外资银行支行升格为分行。研究推进适当缩短区内外资银行代表处升格为分行、以及外资银行分行从事人民币业务的年限要求。

3. Foreign-invested banks are supported to carry out business in the FTZ. Qualified foreign-invested banks are allowed to set up subsidiaries, branches, special institutions and Sino-foreign equity joint-venture banks in the FTZ. Sub-branches in the FTZ of foreign-invested banks are allowed to upgrade to branches. Studies will be conducted with the aim to properly shortening the statutory period for a FTZ representative office of a foreign bank to be allowed to upgrade to a branch, and the statutory period for a FTZ branch of a foreign bank to be allowed to carry out RMB business.

四、支持民间资本进入区内银行业。支持符合条件的民营资本在区内设立自担风险的民营银行、金融租赁公司和消费金融公司等金融机构。支持符合条件的民营资本参股与中、外资金融机构在区内设立中外合资银行。

4. Private capitals are supported to enter into the banking industry in the FTZ. Qualified private investors are supported to set up banks, finance leasing companies, consumer finance companies and other finance institutions which shall assume their own risks in the FTZ. Qualified private investors are supported to participate in setting up Sino-foreign equity joint-venture banks with other Chinese or foreign financial institution investors.

五、鼓励开展跨境投融资服务。支持区内银行业金融机构发展跨境融资业务，包括但不限于大宗商品贸易融资、全供应链贸易融资、离岸船舶融资、现代服务业金融支持、外保内贷、商业票据等。支持区内银行业金融机构推进跨境投资金融服务，包括但不限于跨境并购贷款和项目贷款、内保外贷、跨境资产管理和财富管理业务、房地产信托投资基金等。

5. Cross-border investment and financing service is encouraged in the FTZ. Banking financial institutions in the FTZ are supported to carry out cross-border financing business, including but not limited to commodity trade finance, whole supply chain finance, offshore vessel finance, financial support to modern service sectors, onshore loans against offshore guarantees, commercial instruments, etc. Banking financial institutions in the FTZ are supported to promote finance services for cross-border investments, including but not limited to cross-border M&A loans and project loans, guaranty for offshore loans, cross-border assets management and wealth management business, real estate investment trust, etc.

六、支持区内开展离岸业务。允许符合条件的中资银行在区内开展离岸银行业务。

6. Offshore business is supported in the FTZ. Qualified Chinese banks are allowed to engage in offshore banking business in the FTZ.

七、简化准入方式。将区内银行分行级以下（不含分行）的机构、高管和部分业务准入事项由事前审批改为事后报告。设立区内银行业准入事项绿色快速通道，建立准入事项限时办理制度，提高准入效率。

7. The administration on market access will be simplified in the FTZ. For banks' sub-branches (including branch offices below the sub-branch tier) in the FTZ, a reporting requirement, instead of the existing pre-approval, will be applied for items in respect of the qualifications of the branch office, senior management and certain business permission. A "green channel" will be set up to grant the market access for banking industry in the FTZ to enhance the administration efficiency by setting time limits for certain items.

八、完善监管服务体系。支持探索建立符合区内银行业实际的相对独立的银行业监管体制，贴近市场提供监管服务，有效防控风险。建立健全区内银行业特色监测报表体系，探索完善符合区内银行业风险特征的监控指标。优化调整存贷比、流动性等指标的计算口径和监管要求。

8. The supervision and government service system will be improved. The CBRC supports to explore and establish a relatively independent banking supervision system which meets the actual needs of the banking industry in the FTZ and serves the purpose of effective risk control. The CBRC supports to establish a sound reporting and monitoring system to well address the risk features of the banking industry in the FTZ and appropriately adjust the utilization of certain monitoring indicators such as loan-to-deposit ratio, liquidity ratio, etc. to better serve the supervision needs.

2013年9月28日

28 September 2013

（此件发至外资法人银行业金融机构、外国银行分行，上海辖内银行业金融机构）

(The document shall be sent to foreign-invested banking financial institutions with legal person status, branches of foreign banks and banking financial institutions in Shanghai)

* * * * *