

## New draft of the Foreign Investment Law takes a more 'stripped-down' approach, but defers discussion on the 'elephant in the room'

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On December 26, 2018, the National People's Congress (NPC) of the People's Republic of China (China or PRC) issued a revised draft Foreign Investment Law (the 2018 Draft) for public comments, accompanied by an explanation (the Draft Law Explanation) which outlines some of the reasoning and principles that went into preparing the 2018 Draft. The deadline for the public to submit comments is February 24, 2019. In the Draft Law Explanation it makes it clear that the Ministry of Commerce (MOFCOM), the National Development and Reform Commission (NDRC) and (interestingly) the Ministry of Justice (MOJ) took the lead in drafting the 2018 Draft, which was then approved by the State Council of the PRC (the State Council) and reviewed for the first time at the NPC Standing Committee's meeting ending on December 29, 2018. The current draft is not final and may need to go through two more rounds of reviews by the NPC Standing Committee before it can be voted into law.

In this note, we analyse some of the new features of the 2018 Draft that may have a substantial impact on FDI. To read the full article, please click [here](#).

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