



FIRB update 外资审查政策更新

Reducing the monetary thresholds and extending the review period

降低的金额门槛和延长的审查期限

Significant changes

重大变更

On 29 March 2020 the Treasurer announced two significant changes to Australia's foreign investment rules.

2020年3月29日澳大利亚财政部长宣布了澳大利亚外国投资审查规则的两项重大变更措施。

The changes are effectively immediately (but will not apply to transactions entered into before 10.30pm on 29 March 2020).

两项变更立即生效（但不适用于2020年3月29日晚10点30分（澳大利亚东部夏令时）之前签订的交易）。

Reduced monetary threshold 金额审查门槛

The first change is that all proposed foreign investment into Australia subject to the Foreign Acquisitions and Takeovers Act 1975 will require the approval of the Foreign Investment Review Board (FIRB) regardless of value.

第一项改变，符合《1975年外国并购和收购法》（联邦）定义的所有外国投资都需要经过外国投资审查委员会（FIRB）批准，不论金额大小。

Previously, only transactions involving foreign government investors and certain other specific types of transactions required approval regardless of their value.

在修订之前，零澳元门槛条件仅适用于涉及外国政府投资人参与的交易以及其他几类特定的交易类型。

From an M&A perspective this means that any acquisition by a foreign person of an interest of 20% or more in an Australian entity, or a foreign entity that holds Australian assets, will require FIRB approval regardless of value.

从并购的角度来看，这项改变意味着任何外国实体对澳大利亚实体股权20%及以上的收购，或者外国实体购买澳大利亚资产，不论金额大小都需要经过FIRB审查。

Approval will also be required for acquisitions of (among other things) interests in land, agribusinesses and certain other assets.

收购（除其他事项外）土地，农业产业和某些其他资产也都需要经过批准。

The review period 审理期限

The second change is that FIRB will be asking applicants to extend the period in which FIRB has to consider applications from 30 days to 6 months.

第二项改变是FIRB审查申请的期限将会延长，时间从三十天延长至最长六个月。

Despite this, FIRB "will prioritise urgent applications for investments that directly protect and support Australian businesses and Australian jobs".

尽管如此，FIRB声称会优先考虑审理直接保护和支支持澳大利亚企业和澳大利亚工作的紧急申请。

Conditions and fees

条件与申请费

It is unclear if FIRB will impose additional conditions on new applications in light of the current economic circumstances.

目前尚不能确定 FIRB 是否会根据目前的经济状况对新的申请增加额外的条件。

However, in a Q&A session following the announcement FIRB stated that the Government "would be particularly mindful of the potential impact on the community and employment in screening applications".

然而，在变更措施公布之后 FIRB 随后发布了常见问题解答，宣称政府“将特别关注审查申请对澳大利亚社区与就业带来的潜在影响。

The announcement did not address application fees, however we expect fees to apply to all new applications.

公告并未涉及与申请费有关的内容，但我们认为政府将会对所有的新申请收费。

Duration

期限

It has been announced that the measures will remain in place for the duration of the crisis.

公告宣布此项措施会在特殊的危机时期保持有效。

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