

Law of the People's Republic of China on National Defense (2020 revision)

**Order of the President of
the People's Republic of China**

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The Law of the People's Republic of China on National Defense, adopted at the 24th Meeting of the Standing Committee of the Thirteenth National People's Congress of the People's Republic of China on December 26, 2020, is hereby promulgated and shall come into force on January 1, 2021.

Xi Jinping

President of the People's Republic of China

December 26, 2020

Law of the People's Republic of China on National Defense

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Chapter I

General Provisions

Article 1

This Law is enacted in accordance with the Constitution for the purposes of building and consolidating national defense, guaranteeing the smooth progress of reform and opening up and socialist modernization, and realizing the rejuvenation of the Chinese nation.

Article 2

This Law shall apply to State military activities to guard against and resist aggression, thwart armed subversion and separation, defend the State's sovereignty, unity, territorial integrity, security, and development interests, as well as the State's military-related activities in politics, economics, diplomacy, science, technology, and education.

Article 3

National defense protects national survival and development.

The State shall reinforce its armed forces, border defense, maritime defense, air defense, and defense of other critical security domains, develop national defense research and production, enhance public national defense education, improve national defense mobilization, and achieve national defense modernization.

Article 4

National defense activities shall adhere to the guidance of Marxism-Leninism, Mao Zedong Thought, Deng Xiaoping Theory, the Theory of Three Represents, the Scientific Outlook on

Development, and Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era, implement Xi Jinping's thinking on strengthening the military, pursue a holistic approach to national security, uphold the military strategy guideline for a new era, and build a fortified national defense and strong armed forces commensurate with China's international standing and its national security and development interests.

Article 5

The State shall exercise unified leadership over national defense activities.

Article 6

The People's Republic of China shall pursue a defensive national defense policy, build and consolidate its national defense independently and self-reliantly, practice active defense, and place national defense responsibility upon every Chinese.

The State shall pursue a coordinated, balanced, and compatible development of the economy and national defense, conduct national defense activities in accordance with the law, speed up national defense and military modernization, and achieve the unity of a prosperous country and a strong military.

Article 7

It is the sacred duty of every citizen of the People's Republic of China to defend the country and resist aggression.

Citizens of the People's Republic of China shall fulfill their national defense obligations in accordance with the law.

All State bodies, armed forces, political parties, people's organizations, enterprises, public institutions, social organizations, and other organizations shall support and participate in accordance with the law in national defense development, and fulfill their national defense duties and tasks.

Article 8

The State and society shall respect and provide preferential treatment to servicepersons, guarantee their social status and protect their lawful rights and interests, carry out various activities to support the military and provide preferential treatment to the families of servicepersons and martyrs, and make military service a socially respected profession.

The Chinese People's Liberation Army and the Chinese People's Armed Police Force shall carry out pro-government and pro-people activities, and strengthen their unity with the government and the people.

Article 9

The People's Republic of China shall actively promote international military exchanges and cooperation, maintain world peace, and oppose acts of aggression and expansion.

Article 10

Organizations and individuals shall be commended and rewarded for their contributions to national defense in accordance with the relevant laws and regulations.

Article 11

Any organization or individual who, in violation of this Law or other relevant laws, refuses to fulfill their national defense obligations or jeopardizes national defense interests shall be held legally responsible.

Any public official who abuses his power, neglects his duty, or engages in malpractices for personal gain in national defense activities shall be held legally responsible.

Chapter II

National Defense Functions and Powers of State Bodies

Article 12

The National People's Congress shall, pursuant to the Constitution, decide on issues of war and peace and exercise other constitutional national defense functions and powers.

The Standing Committee of the National People's Congress shall, pursuant to the Constitution, decide on the declaration of a state of war, decide on general national mobilization or partial mobilization, and exercise other constitutional national defense functions and powers.

Article 13

The President of the People's Republic of China shall, in pursuance of the decisions of the National People's Congress and its Standing Committee, declare a state of war, issue mobilization orders, and exercise other constitutional national defense functions and powers.

Article 14

The State Council shall lead and administer national defense development and exercise the following functions and powers:

- (1) Making programs and plans for national defense development;
- (2) Developing policies and administrative regulations on national defense development;
- (3) Leading and administering national defense research and production;
- (4) Administering national defense spending and assets;
- (5) Leading and administering economic mobilization and the development, organization, and implementation of civil air defense, national defense transportation, and other matters;
- (6) Leading and administering the work of supporting the military, providing preferential treatment to the families of servicepersons and martyrs, and ensuring veterans benefits and services;
- (7) Leading, jointly with the Central Military Commission, the development of militias, conscription work, and the administration of border defense, maritime defense, air defense, and defense of other critical security domains; and
- (8) Performing other national defense development functions and powers as provided in accordance with the law.

Article 15

The Central Military Commission shall lead the national armed forces and exercise the following functions and powers:

- (1) Exercising unified command of all the national armed forces;
- (2) Deciding on military strategies and operational guidelines for the armed forces;
- (3) Leading and administering the development of the Chinese People's Liberation Army and the Chinese People's Armed Police Force, and formulating and organizing the implementation of programs and plans;
- (4) Proposing motions to the National People's Congress or its Standing Committee; (5) Enacting military regulations and issuing decisions and orders in accordance with the Constitution and other laws;
- (6) Deciding on the structure and size of the Chinese People's Liberation Army and the Chinese People's Armed Police Force, and prescribing the tasks and duties of the Central Military Commission functional bodies, theater commands, services and arms of the armed forces, the Chinese People's Armed Police Force, and other military entities;
- (7) Appointing, removing, training, appraising, commending, and disciplining members of the armed forces in accordance with relevant laws and military regulations;
- (8) Determining weaponry and equipment systems for the armed forces, formulating programs and plans for weaponry and equipment development, and collaborating with the State Council to lead and administer national defense research and production;
- (9) Administering national defense spending and assets jointly with the State Council;
- (10) Leading and administering the mobilization of the people's armed forces and the work of reserve forces;

(11) Organizing international military exchanges and cooperation; and

(12) Performing other functions and powers prescribed in accordance with the law.

Article 16

The Central Military Commission adopts the CMC Chairman responsibility system.

Article 17

The State Council and the Central Military Commission shall establish a mechanism for coordinating the resolution of major national defense issues.

Relevant departments of central government bodies and the Central Military Commission bodies may hold meetings as appropriate to coordinate the resolution of related national defense issues.

Article 18

Local people's congresses at all levels and the standing committees of local people's congresses at or above the county level shall, within their respective administrative regions, ensure compliance with and enforcement of national defense laws and regulations.

Local people's governments at all levels shall, within the authority provided in accordance with the law, administer the conscription, militia, economic mobilization, civil air defense, national defense transportation, national defense facilities protection, support for veterans, support for the military, and preferential treatment to the families of servicepersons and martyrs within their respective administrative regions.

Article 19

Local people's governments at all levels and local military bodies stationed may, when necessary, convene joint military-civilian meetings to coordinate the resolution of national defense issues within their respective administrative regions.

Joint military-civilian meetings shall be jointly convened by leaders of local people's governments and local military bodies. Participants of these meetings shall be determined by their conveners.

Decisions adopted at joint military-civilian meetings shall be executed by local people's governments and local military bodies based on their respective functions and duties and tasks. Decisions on major issues shall be reported to their respective authorities at higher levels.

Chapter III

Armed Forces

Article 20

The armed forces of the People's Republic of China belong to the people. Their tasks are to fortify national defense, resist aggression, defend the country, safeguard the people's peaceful labor, participate in national development, and serve the people wholeheartedly.

Article 21

The armed forces of the People's Republic of China shall be led by the Communist Party of China. The organizations of the Communist Party of China within the armed forces shall operate in accordance with the Constitution of the Communist Party of China.

Article 22

The armed forces of the People's Republic of China consist of the Chinese People's Liberation Army, the Chinese People's Armed Police Force, and the militia.

The Chinese People's Liberation Army consists of active-duty forces and reserve forces, and its missions in the new era are to provide strategic support for strengthening the leadership of the Communist Party of China and the socialist system, for safeguarding China's sovereignty, unity, and territorial integrity, for protecting its overseas interests, and for promoting world peace and development. As the standing forces of the State, active-duty forces shall be mainly tasked with defense operations and perform non-war military operations in accordance with regulations. Reserve forces shall conduct military training and perform defense combat tasks and non-war military operations in accordance with regulations; and be transferred to active-duty forces by order of the Central Military Commission in accordance with the mobilization order issued by the State.

The Chinese People's Armed Police Force shall execute guard duties, respond to social security emergencies, prevent and respond to terrorist activities, enforce maritime rights, conduct disaster relief, emergency rescue, and defensive operations, and carry out other tasks assigned by the Central Military Commission.

The militia shall perform combat readiness service and carry out non-war military operations and defensive operations under the command of the military authorities.

Article 23

The armed forces of the People's Republic of China must observe the Constitution and other laws.

Article 24

The armed forces of the People's Republic of China shall follow the military development path with Chinese characteristics; persist in enhancing their political loyalty, strengthening themselves through reform, science, technology, and talent, and pursuing law-based governance; strengthen military training; conduct political work; improve the level of support, advance the modernization of military theories, military organizational structures, military personnel, weaponry and equipment; build a modern combat system with Chinese characteristics, enhance combat effectiveness in all respects, and strive to achieve the goal of forging a strong military in the new era as envisioned by the Communist Party of China.

Article 25

The size of the armed forces of the People's Republic of China shall be commensurate with the need to defend national sovereignty, security, and development interests.

Article 26

The military service of the People's Republic of China consists of active service and reserve service. The service system of active military and reserve personnel shall be prescribed in accordance with the law.

The Chinese People's Liberation Army and the Chinese People's Armed Police Force shall implement the rank & grade system in accordance with the law.

Article 27

The Chinese People's Liberation Army and the Chinese People's Armed Police Force shall implement the civilian personnel system for prescribed positions.

Article 28

The flag and emblem of the Chinese People's Liberation Army are its symbol and sign. The flag and emblem of the Chinese People's Armed Police Force are its symbol and sign.

Citizens and organizations shall respect the flag and the emblem of the Chinese People's Liberation Army and the flag and the emblem of the Chinese People's Armed Police Force.

The design, pattern, use, and management of the flags and emblems of the Chinese People's Liberation Army and the Chinese People's Armed Police Force shall be prescribed by the Central Military Commission.

Article 29

The State prohibits any organization or individual from illegally establishing any armed organization, prohibits illegal armed activities, and prohibits impersonation of servicepersons or organizations of the armed forces.

Chapter IV

Border Defense, Maritime Defense, Air Defense, and Defense of Other Critical Security Domains

Article 30

The territorial land, territorial waters and territorial airspace of the People's Republic of China are sacrosanct. The State shall build a strong and solid modern border defense, maritime defense, and air defense, and take effective defense and management measures to

defend the security of the territorial land, territorial waters, and territorial airspace, and protect national maritime rights and interests.

The State shall take necessary measures to protect its activities, assets, and other interests in other critical security domains such as outer space, electromagnetic space, and cyberspace.

Article 31

The Central Military Commission shall exercise unified leadership over border defense, maritime defense, air defense, and defense of other critical security domains.

Central government bodies, local people's governments at all levels, and relevant military bodies shall, in accordance with their respective prescribed functions and powers, administer and execute border defense, maritime defense, air defense, and defense of other critical security domains, in a joint effort to safeguard national security and interests.

Article 32

The State shall, in light of the needs of border defense, maritime defense, air defense, and defense of other critical security domains, strengthen defense forces and build national defense facilities for operations, command, communications, telemetry, tracking and command (TT&C), navigation, protection, transportation, and logistics. People's governments at all levels and military bodies shall support the construction of national defense facilities and ensure their security in accordance with the laws and regulations.

Chapter V

National Defense Research and Production and Military Procurement

Article 33

The State shall establish and improve the scientific, technological, and industrial system for national defense, develop national defense research and production, and provide the armed forces with weaponry and equipment that are advanced in performance, reliable in quality, complete in sets of accessories, and easy to operate and maintain, as well as other applicable military materiel to meet national defense needs.

Article 34

The science, technology, and industry for national defense shall follow the principles of civil-military integration, peacetime-wartime integration, priority to military products, and innovation-driven, independent, and controllable development.

The State shall formulate master plans to develop science, technology, and industry for national defense, and keep national defense research and production capabilities appropriately scaled and rationally distributed in accordance with the principles of State-led development, division of labor and cooperation, matching of specialties, openness, and integration.

Article 35

The State shall maximize the advantageous resources of the whole of society to promote the development of national defense science and technology, speed up independent technological research and development, spearhead weaponry and equipment development with high technology, strengthen technology reserves, improve the system of national defense intellectual property, promote the application of scientific and technological achievements in national defense, promote science and technology resource sharing and

collaborative innovation, and improve national defense research capabilities and the technological level of weaponry and equipment.

Article 36

The State shall create a favorable environment and conditions to strengthen the cultivation of national defense scientists and engineers, encourage and attract outstanding talents to the field of defense research and production, and stimulate their vitality of innovation.

National defense scientists and engineers shall be respected by the general public. The State shall progressively increase their pay, and protect their lawful rights and interests.

Article 37

The State shall institute a military procurement system in accordance with the law to ensure the procurement and supply of weaponry and equipment, materiel, works, and services required by the armed forces.

Article 38

The State shall exercise unified leadership and planned control over national defense research and production, stress the role of the market, and promote fair competition in national defense research and production and military procurement.

The State shall provide necessary guarantees and preferential policies in accordance with the law to the organizations and individuals undertaking national defense research and production tasks and taking procurement orders. Local people's governments at all levels shall assist and support these organizations and individuals in accordance with the law.

Organizations and individuals undertaking national defense research and production tasks and taking military procurement orders must keep defense secrets, complete their tasks in a timely and efficient manner, ensure quality, and provide appropriate services.

The State shall adopt a quality accountability system in accordance with the law for the weaponry, equipment, materiel, works, and services supplied to the armed forces.

Chapter VI

National Defense Spending and Assets

Article 39

The State shall guarantee necessary national defense spending. The increase of national defense spending shall be commensurate with the needs of national defense and the level of economic development.

National defense spending shall be subject to budget management in accordance with the law.

Article 40

National defense assets include the funds directly allocated and resources such as land allocated by the State for strengthening the armed forces, for defense research and production, and for other national defense projects, as well as the weapons, equipment, facilities, supplies, materiel, and technologies that are derived therefrom and used for national defense.

National defense assets are owned by the State.

Article 41

The State shall determine the size, structure, and distribution of national defense assets and adjust and dispose of them in accordance with the needs of national defense and economic development. The administrative institutions in charge of and the entities possessing and using national defense assets shall manage them in accordance with the law to maximize their efficiency.

Article 42

The State shall protect national defense assets from infringement and ensure their security, integrity, and effectiveness.

All organizations and individuals are forbidden to destroy, damage, or appropriate national defense assets. Without the approval of the State Council or the Central Military Commission, or of the institutions authorized by the State Council or the Central Military Commission, entities possessing or using national defense assets shall not utilize them for purposes other than national defense. Technologies among national defense assets may be used for purposes other than national defense in accordance with relevant State regulations, provided that priority is given to national defense and security is ensured.

For national defense assets which are no longer used for national defense purposes, the administrative institutions in charge of and the entities possessing and using them shall follow due processes for approval in accordance with relevant regulations before using them for other purposes or disposing of them in accordance with the law.

Chapter VII

National Defense Education

Article 43

The State shall, through national defense education, help all citizens to enhance their national defense awareness, raise their awareness of potential dangers, master national defense knowledge, improve national defense skills, promote patriotism, and perform their national defense obligations in accordance with the law.

It is the common responsibility of the whole society to popularize and foster national defense education.

Article 44

National defense education shall follow the principles of participation of all, long-term perseverance, and emphasis on practical effects, and stress both regular education and intensive education, both universal education and group-specific education, and both theoretical education and practical education.

Article 45

National defense education authorities shall strengthen the organization and management of national defense education, and other relevant authorities shall execute national defense education work in accordance with their prescribed duties.

Military bodies shall aid relevant authorities and organizations in national defense education, and provide relevant convenience in accordance with the law.

All State bodies, armed forces, political parties, people's groups, enterprises, public institutions, social organizations, and other organizations shall organize national defense education in their respective regions, departments, and entities.

National defense education at schools is the basis of national defense education for all. Schools at all levels and of all types shall set appropriate national defense education courses or include such education in relevant curricula. Regular institutions of higher learning and senior secondary schools shall organize military training for students in accordance with relevant regulations.

Public officials shall actively participate in national defense education, improve their national defense literacy, and play an exemplary and leading role in national defense education for all.

Article 46

People's governments at all levels shall incorporate national defense education into their plans for economic and social development, and ensure the funds needed for national defense education.

Chapter VIII

National Defense Mobilization and State of War

Article 47

When the sovereignty, unity, territorial integrity, security, and development interests of the People's Republic of China come under threat, the State shall conduct national general mobilization or local mobilization in accordance with the Constitution and other laws.

Article 48

The State shall incorporate national defense mobilization readiness into its overall development programs and plans, improve the national defense mobilization system, and increase its potential and capacity for national defense mobilization.

Article 49

The State shall establish a strategic materials reserve system. Strategic materials reserves shall be appropriate in scale, stored safely, convenient to use, and regularly updated so as to ensure wartime needs.

Article 50

Relevant departments of the State leading bodies for national defense mobilization, central government bodies, and the Central Military Commission bodies shall, based on the division of responsibilities, organize national defense mobilization readiness and implementation.

All State bodies, armed forces, political parties, people's groups, enterprises, public institutions, social organizations, and other organizations as well as all citizens must complete their national defense mobilization readiness in accordance with the law; and must accomplish their national defense mobilization tasks after the State issues a mobilization order.

Article 51

The State may expropriate or requisition the equipment, facilities, means of transportation, premises, and other properties of organizations and individuals in accordance with the law for the purpose of national defense mobilization.

People's governments at or above the county level shall, in accordance with relevant State regulations, give fair and reasonable compensations to the organizations or individuals for their direct economic losses caused by expropriation or requisition.

Article 52

The State shall declare a state of war in accordance with the Constitution, take measures to pool human, material, and financial resources, and lead all citizens in defending the country and resisting aggression.

Chapter IX

National Defense Obligations and Rights of Citizens and Organizations

Article 53

It is an honorable duty of citizens of the People's Republic of China to serve in the military or the militia in accordance with the law.

Military service bodies at all levels and grassroots people's armed forces bodies shall handle military service work in accordance with the law, attain their task of conscription in accordance with the orders of the State Council and the Central Military Commission, and ensure the qualifications of the enlisted. Relevant State bodies, people's groups, enterprises, public institutions, social organizations, and other organizations shall complete their militia and reserve work in accordance with the law, and assist in completing the task of conscription.

Article 54

Enterprises, public institutions, and individuals undertaking national defense research and production or taking military procurement orders shall provide weapons, equipment, materiel, works, and services that meet quality standards.

Enterprises, public institutions, and individuals shall satisfy national defense requirements for national defense-related construction projects in accordance with State regulations, and meet the needs of national defense development and military operations in accordance with the law. The entities administering and operating railway stations, bus terminals, ports, airports, roads, and other transport facilities shall provide priority services to the passage of servicepersons and military vehicles and vessels, and provide preferential treatment to them in accordance with relevant regulations.

Article 55

Citizens shall receive national defense education.

Citizens and organizations shall protect national defense facilities and shall not damage or endanger them.

Citizens and organizations shall comply with confidentiality regulations and shall not divulge State secrets of national defense or illegally possess classified documents, materials or other items of national defense.

Article 56

Citizens and organizations support national defense development and provide convenience or other assistance for the armed forces to carry out military training, readiness duties, defensive operations, and non-war military operations.

The State encourages and supports investments in national defense by qualified citizens and enterprises, protects investors' lawful rights and interests, and give them preferential policies in accordance with the law.

Article 57

Citizens and organizations shall have the right to advise on national defense development, and stop or inform against acts endangering national defense interests.

Article 58

The militia, reservists, and other citizens shall perform their duties and obligations when taking part in military training and carrying out readiness duties, defensive operations, non-war military operations, and other tasks in accordance with the law. The State and society shall ensure that they are entitled to corresponding treatment, and provide them with benefits in accordance with relevant regulations.

Citizens and organizations may be compensated for their direct economic losses due to national defense development or military operations in accordance with relevant State regulations.

Chapter X

Obligations, Rights, and Interests of Servicepersons

Article 59

Servicepersons must be loyal to the country, be devoted to the Communist Party of China, perform their duties, fight bravely, fear no sacrifice, and defend the security, honor, and interests of the country.

Article 60

Servicepersons must abide by the Constitution and other laws in an exemplary way, observe military regulations, execute orders, and strictly abide by the rules of discipline.

Article 61

Servicepersons shall carry forward the fine traditions of the people's armed forces, cherish and protect the people, actively participate in socialist modernization, and complete rescue, disaster relief, and other tasks.

Article 62

Servicepersons shall be held in high esteem by the whole of society.

The State shall establish a system for honoring servicepersons for their meritorious services.

The State shall take effective measures to protect the honor and dignity of servicepersons and offer special protection for their marriage in accordance with laws.

Servicepersons' performance of their duties in accordance with the law is protected by law.

Article 63

The State and society shall provide preferential treatment to servicepersons.

The State shall establish a wellbeing support system for servicepersons, which is commensurate with the military profession and coordinated with economic development.

Article 64

The State shall establish a wellbeing support system for veterans, properly place them, and protect their lawful rights and interests.

Article 65

The State and society shall provide benefits and preferential treatment to disabled servicepersons and provide special safeguards for their daily necessities and medical care in accordance with the law.

When a serviceperson who has been disabled or contracted a disease due to war or work is discharged from active service, a people's government at or above the county level shall accept and place such a serviceperson in a timely manner, and ensure that the living standards of such a serviceperson are not lower than the local average.

Article 66

The State and society shall provide preferential treatment to the families of servicepersons, and provide benefits and preferential treatment to the families of martyrs and servicepersons who died in the line of duty or of illnesses.

Chapter XI

Foreign Military Relations

Article 67

The People's Republic of China shall adhere to the five principles of mutual respect for sovereignty and territorial integrity, mutual nonaggression, noninterference in each other's internal affairs, equality and mutual benefit, and peaceful coexistence, uphold the international system with the United Nations at its core and the international order based on international law, advocate common, comprehensive, cooperative, and sustainable security, work to build a human community with a shared future, and independently conduct foreign military relations, and carry out military exchanges and cooperation with other countries.

Article 68

The People's Republic of China shall comply with the fundamental norms governing international relations based on the purposes and principles of the United Nations Charter, and employ its armed forces in accordance with relevant State laws to protect the security of overseas Chinese citizens, organizations, institutions, and facilities, participate in United Nations peacekeeping, international rescue, maritime escort, joint exercises and training, counter-terrorism, and other activities, work to fulfill its international security obligations, and safeguard its overseas interests.

Article 69

The People's Republic of China supports military-related activities carried out by the international community for the benefit of safeguarding world and regional peace, security, and stability, supports the international community's efforts to resolve international disputes in a just and reasonable manner and its efforts for international arms control, disarmament, and nonproliferation, take part in multilateral security dialogue and negotiations, and promote the formulation of universally accepted, fair, and equitable international rules.

Article 70

In its military relations with foreign countries, the People's Republic of China shall observe the relevant treaties and agreements it concluded with other countries or international organizations or acceded to.

Chapter XII

Supplementary Provisions

Article 71

For the purposes of this Law, the term "servicepersons" means officers, non-commissioned officers, enlisted soldiers, and other personnel in active service in the Chinese People's Liberation Army.

The provisions of this Law regarding servicepersons shall apply to the members of the Chinese People's Armed Police Force.

Article 72

The defense of the special administrative regions of the People's Republic of China shall be prescribed by the basic laws of the special administrative regions and other relevant laws.

Article 73

This Law shall come into force on January 1, 2021.