This is a summary of the 2016 American Business in China White Paper. The full White Paper is available to members only.

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2016 AMERICAN BUSINESS IN CHINA WHITE PAPER
2016 年度美国企业在中国 白皮书
Unless otherwise indicated, all charts are from the 2016 AmCham China Business Climate Survey.

All monetary conversions are based on the average 2015 exchange rate of US $1.00=RMB 6.28.

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Chairman’s Message

This 18th edition of the *American Business in China White Paper* reflects AmCham China member companies’ general commitment to the China market but also illustrates how they are continuing to weather and adapt to a challenging and constantly evolving business environment as China continues on a path of economic reform and sustainable development. These chapters reflect the experiences of our over 1,000 member companies, spanning 20 industries and 20 cross-sector industrial and regional policy areas, in addition to contributions from our regional chapters in Northeast China, Tianjin, and Central China and from the American Chamber of Commerce in Shanghai and the American Chamber of Commerce in Southwest China.

As reflected in the 2016 *White Paper*, serious and systemic challenges remain, particularly around the key issues of market access and barriers to investment, opaque rules and regulatory practices, and the overall development of and respect for the rule of law. Indeed, unclear laws and inconsistent regulatory interpretation tops the challenges our members are facing daily.

Rulemaking that is opaque, unclear, or inconsistent is a key concern for many of our member companies and impacts their ability and willingness to invest in China. We believe that China’s legal and regulatory framework can be improved through greater commitment to rule of law and when laws are applied with *fairness and transparency*.

AmCham China supports the streamlining of laws and regulations that impact foreign-invested enterprises (FIEs) and the way they operate in China. We also support regulatory revisions that will ease the approval procedures for the establishment and operation of FIEs in China, as well as to provide for greater market access and the reduction of trade barriers that impact American companies.

AmCham China further encourages the Chinese government to continue to build a foundation that supports an *open and dynamic investment environment*, which benefits both foreign and Chinese companies, and helps the government meet its long-term economic objectives. Economies benefit from the provision of a level playing field in an environment based on open competition for all companies through the transparent enforcement of regulations in accordance with the rule of law. Indeed, sound investment generates economic activity regardless of the country of origin, and creates jobs, raises skills, expands consumer choice, and grows the economy.

Our members implore the government to move forward in developing an environment that encourages *fair and market-based innovation*. Innovation flourishes only in an environment where intellectual property is protected from infringement and excessive government regulation, and standards are set with broad participation. Policies encouraging innovation should be implemented in a fair and nondiscriminatory manner for both foreign and domestic companies. We thus encourage the Chinese government to ensure that FIEs are allowed to participate in all phases of standards development activities, as such activities have increasingly been used to discriminate against and limit market access for FIEs.
主席致辞

今年已是中国美国商会推出年度《美国企业在中国白皮书》（简称《白皮书》）的第十八年。今年的《白皮书》不仅反映了商会会员企业普遍致力于发展中国市场，还展现了他们如何在中国继续推进经济改革和努力实现可持续发展的过程中，持续应对和适应充满挑战且日新月异的商业环境。今年的《白皮书》凝聚了商会1000多家会员企业的商业经验和观察，探讨了20个具体的问题、20个跨部门产业政策及区域政策问题。此外，我们还撰写了中国东北、天津和武汉章节，上海美国商会和中国西南美国商会也贡献了相关地方章节。

正如2016 年《白皮书》所反映的，重大、系统性的挑战依然存在，特别体现在市场准入、投资壁垒、法律法规和监管实践缺乏透明度，法治的总体发展以及对法治的尊重等关键问题方面。事实上，法律规定不明确、监管部门对法律的解释缺乏一致性等问题，是我们会员企业在日常运营中经常碰到且最为突出的问题。

立法程序缺乏透明度、清晰度或一致性是许多会员企业关注的主要问题，因为这直接影响到他们在华投资的能力和意愿。我们相信，中国能够通过法治建设改进立法程序和监管框架，从而提升法律适用的公平性和透明度。

中国美国商会支持中国政府简化影响外商投资企业及其在华运营的法律和法规。我们也支持中国政府修改相关法律，以扩大市场准入，简化外资企业在华设立和运营的审批程序，并减少影响美国企业的贸易壁垒。

中国美国商会还鼓励中国政府继续推进有助于营造开放且充满活力的投资环境的基础性工作。如此不仅能惠及外资和内资企业，还能协助政府实现长期经济目标。依法公开透明执法、营造保障所有企业公平竞争的市场环境有利于经济发展。事实上，不管来自哪个国家和地区的投资，只要稳妥可靠，都有助于激发经济活力、增加就业、提升技能、扩大消费者选择范围并最终促进经济增长。

我们的会员企业敬请中国政府继续推进营造公平及市场导向型创新。创新只有在一个保护知识产权、打击知识产权违法行为、避免政府过度管制、各方主体广泛参与制订标准的环境下才能繁荣兴盛。实施鼓励创新政策应遵循公平和非歧视原则，对内外资企业一视同仁。因此，鉴于制订标准活动日渐成为歧视外资和限制外资市场准人的手段，我们鼓励中国政府允许外资企业参与每个阶段的标准制订工作。
We remain optimistic that the authorities recognize the problems and anticipate continued progress on the reforms in 2016. And, as long as China continues to recognize the benefits of global engagement and continues down the path of economic reform and establishment of consistent rule of law, opportunities will remain and American business will survive and grow.

There is hope that the two largest economies in the world can work together to their mutual benefit. If the US and China can quickly complete a high-standard bilateral investment treaty (BIT) – which has been under negotiation since 2008 – this would reduce trade barriers and open markets further for American goods and services. Indeed, the US-China BIT would likely be the largest market liberalization exercise since China’s accession to the World Trade Organization in 2001. The US-China Bilateral Investment Treaty continues to be a critical component for future growth opportunities going forward.

Our companies understand and appreciate the complexities and difficulties that the Chinese leadership is confronted with as it balances its economy and drives reform. But much work lies ahead for all of us in 2016 and beyond as the Chinese economy continues to mature and the government implements and enforces a host of new laws that have been in the pipeline for years.

The 2016 White Paper further reflects that our member companies desire to play a positive and constructive role in the development of the country in a manner that is mutually beneficial to our companies and the communities in which they operate. We look forward to an open and candid dialogue with the Chinese leadership with respect to the issues raised in this White Paper.

James Zimmerman
Chairman
The American Chamber of Commerce in the People’s Republic of China
April 2016
中国美国商会相信，中国政府将会积极关注存在的问题，并在2016年继续推进相关改革，我们对此持乐观态度。只要中国继续认可国际参与的益处、继续推行经济改革并建立协调一致的法治体系，机会就会继续存在，美国企业就会继续在中国生存和壮大。

我们希望世界上两个最大的经济体能够通过相互合作，实现互利共赢。如果中美两国能够结束自2008年以来一直进行的谈判，迅速签订一份高质量的双边投资协定，将有助于减少贸易壁垒、进一步向美国的商品和服务开放市场。事实上，美中双边投资协定有可能是自2001年加入世界贸易组织以来最大的市场开放举措。美中双边贸易协定依然是刺激未来经济增长的一个重要机遇。

我们的会员企业清楚并理解中国领导层在平衡经济和推动改革的过程中面临的复杂情况和各种困难。随着中国经济继续走向成熟，一系列酝酿多年的新法规即将生效实施，在2016年及将来，中国政府领导层依然任重而道远。

2016年《白皮书》进一步反映了我们的会员企业希望能对中国的发展起到积极和建设性的作用，实现企业及他们运营地所在社区的互利共赢。我们期待与中国领导层就《白皮书》中提出的问题进行坦诚开放的对话。

吉莫曼
中国美国商会主席
2016年4月
Part One: Business Climate Overview
商务环境综述
Domestic Reform Pressures Rise as China’s Global Influence Expands

In 2015, American businesses in China continued to face challenges arising from slowing economic growth, the refocusing of the Chinese economy from manufacturing to service industries, an unclear timeline for the implementation of announced reforms, and the introduction of a host of legislation that set an uncertain tone regarding the stability and openness of the investment environment. That said, our members also note progress in many areas, including the increased streamlining of administration and regulations, and in general remain committed to the Chinese market. This 18th edition of the American Business in China White Paper explores the major themes, challenges, and developments that shaped the business environment in 2015 and includes practical recommendations for addressing these challenges that will benefit our members, domestic companies, and the Chinese economy as a whole.

China in the Region and at Home: Highlights from 2015

China as a Global Leader

As the global economy continues to experience ups and downs and China increasingly asserts itself as a global leader, the opportunities for the US and China to cooperate or encounter friction on the international stage increase. The US and 11 partner countries around the Pacific Rim concluded negotiations on the Trans-Pacific Partnership (TPP) in 2015, an agreement that, if ratified, will have a major impact on trade and investment flows in the Asia Pacific and globally. AmCham China welcomes and encourages China’s accession to the TPP as soon as China is prepared to meet the standards of the agreement. Discussion on China’s potential accession to the TPP and the US’ potential accession to the Regional Comprehensive Economic Partnership are important to avoid the emergence of competing regional trade blocs.

China is also charting a new course in global development efforts through initiatives such as the “One Belt, One Road” regional integration plan and the Asian Infrastructure Investment Bank (AIIB).

The “One Belt, One Road” initiative is touted as a means of integrating China more deeply, both politically and economically, with its neighbors to the south and west and to increase regional trade flows. Our members see potential opportunities to participate in and benefit from this initiative (e.g., directly participating in infrastructure projects, supplying equipment, through the further streamlining of customs procedures). However, members are also concerned that the Chinese government may give priority to domestic project contractors, construction machinery manufacturers, financial institutions, and other potential contributors. We trust that opportunities will be made available in a transparent and market-oriented manner. Indeed, our members look forward to working with Chinese companies as they increase their investments both through this initiative and globally, including in the US.

Regarding the AIIB, although the US is not a member, we believe that it presents an opportunity for China to demonstrate to the world that it can build and lead an institution that meets internationally recognized standards. Equally important, the AIIB presents an opportunity to create a homegrown precedent and model for Chinese domestic governmental agencies and institutions.

Looking forward, China will host the September 2016 G20 Summit and has set the theme of “towards an innovated, invigorated, interconnected, and inclusive world economy.” We look forward to engaging with China in these efforts, particularly during the accompanying B20 meetings, and expect them to provide China with important opportunities to further demonstrate its commitment to engage constructively within established institutions of global governance.

Bilateral Engagement

In addition to the annual bilateral negotiations held during the Strategic and Economic Dialogue and the Joint Commission on Commerce and Trade, the US and Chinese governments further engaged on economic issues in 2015 both as part of the ongoing bilateral investment treaty (BIT) negotiations and during President Xi Jinping’s state visit to the US in September.

Regarding the BIT negotiations, our members remain hopeful that a high-standard treaty that includes a narrowly drawn negative list can be negotiated and believe – as indicated in our 2016 Business Climate Survey Report – that a high-stan-
国际影响力上升倒逼中国深化改革

2015年，在华美资企业继续面临诸多挑战，运营受到多种因素影响，如中国经济增速放缓、经济结构调整以及制造业向服务业转移。已公布的改革措施缺少明确的实际步骤，以及出台的一系列法律法规可能影响投资环境的稳定性和开放程度。同时，中国美国商会的会员企业也表示中国在多个领域取得进展，例如简政放权得以持续推进。总体上，我们的会员企业均表示将积极参与发展中国市场。2016年的美国企业在中国白皮书探讨了2015年中国的商业环境，包括主要议题、相关挑战和进展等，同时对如何应对这些挑战提出了切实可行的建议，以期有助于会员企业、内资企业和中国的总体经济发展。

中国的地区发展和国内发展：2015年发展亮点

作为全球领袖的中国

随着全球经济持续震荡，中国不断强化其全球领袖地位，中美两国在国际舞台上开展合作或遭遇摩擦的机会也随之增加。2015年，美国同太平洋地区11个合作国完成谈判，达成环太平洋经济合作协定（TPP），该协定一经批准，将对亚太和全球贸易和投资流动造成重大影响。中国美国商会欢迎并鼓励中国待符合该协定标准后尽早加入TPP协定，推动中国加入TPP和美国加入区域经济全面伙伴关系的磋商对于避免两大区域贸易集团相互竞争有重要作用。

展望2016年，中国将于2016年9月主办二十国集团峰会（G20峰会），并确定本次G20峰会的主题为“构建创新、活力、联动、包容的世界经济”。我们期待在本次峰会上，特别是二十国集团工商峰会（B20）期间，就主题与中国各方开展广泛深入的探讨和合作，并期待这些活动为中国提供重要机遇，进一步向世界展示中国致力于在全球现有治理机制下发挥建设性作用。

双边活动

除了在每年的战略与经济对话以及美中商贸联委会上进行年度双边磋商外，2015年美中两国政府还在双边投资协定（BIT）谈判以及9月习近平主席访美期间继续就相关经济问题展开商谈。

在BIT谈判方面，我们的会员企业依然希望在美中双方能够达成一份高标准的协定，尽量缩减负面清单中的内容。正如我们在2016年《商务环境调查报告》中指出的，高标准的BIT对于中国未来经济发展至关重要，也将成为中国改善监管环境、为投资者提供公平竞争环境的一项重要工具。调查中近3/4的受访者表示他们希望BIT能够在2018年甚至之前签署。
Planning for the Looming Economic Challenges

With the continuing effort to tackle pollution, extreme volatility in the stock market, further debt accumulation, and a political environment that has instilled a high fear of risk in many government officials, 2015 was a challenging year in many respects.

Since the 2013 Third Plenum, the groundwork has begun to be laid in preparation for what is known as the “New Normal,” outlining plans to improve the administrative system and clarify the roles of the market and the state. At that time, our members expressed hope that China was truly on a path to fully liberalizing and opening its market to foreign investment. Certainly, much progress has been made in the following two-plus years, particularly regarding the streamlining of administration and the reduction of overlapping and contradictory rules and regulations.

The 2014 Fourth Plenum offered further encouraging themes around the promotion of transparency, rule by law, and overall good governance. However, as with the Third Plenum’s proposed reforms, members remained disappointed with the slow pace of implementation and the sense that there have been limited efforts to truly open the market.

The 2015 Fifth Plenum concluded with an emphasis on five key concepts to guide development and reform going forward: innovation as a driver of economic development and a tool to push for higher-quality growth, coordination to ensure balanced development between industries and between urban and rural areas, green development through environmentally friendly economic growth, openness in respect to China’s utilization of both foreign and domestic markets and taking an active role in global governance, and inclusive development that expands social services. The proposal for the 13th Five-Year Plan (FYP), which sets targets for economic and social policy for the 2016-2020 period, was also released, though it primarily included existing policies and natural expansions of the reform goals outlined in the Third Plenum. Other key points from the Fifth Plenum include:

- emphasis on nurturing innovation and entrepreneurship and ensuring better allocation of resources,
- further support for the “Made in China 2025” and “Internet +” initiatives (which are further discussed in the ICT and Machinery Manufacturing chapters),
- announced plans to adopt a nationwide negative list approach,
- emphasis on product quality, including aligning domestic quality and safety standards with international standards,
- a target of 60 percent urbanization by 2020, and
- a relaxation of the one-child policy to allow two children per couple and expansion of the coverage of urban

standard BIT is essential for China’s economic future and will be an important tool for improving the regulatory environment and providing a level playing field for investment. Nearly three-quarters of survey respondents stated that they expect the BIT to be completed by 2018 or sooner. In particular, our members hope that the BIT will provide:

- requirements for transparency in administrative procedures and due process in enforcement and dispute settlements,
- limitations on performance requirements, including data and IP localization requirements, and expanded protection against forced technology transfer,
- disciplines on state-owned enterprises (SOEs) and designated monopolies,
- clarified definitions of national security to limit the overly broad application of regulations, and
- guarantees for non-discriminatory application and development of standards.

More information on the BIT can be found in the Investment Policy chapter.

In September 2015, amidst rising tensions between the US and China over cybersecurity issues, President Xi made a state visit to the US. During this trip, Xi met with business leaders and President Barack Obama and made several joint announcements of interest to our members. Of particular note, China committed to:

- limit the scope of national security reviews on investment,
- refrain from cyber-enabled theft of intellectual property (IP),
- uphold WTO agreements regarding market access for information and communications technology (ICT) products, and
- avoid using competition law enforcement actions to pursue industrial policy goals.

President Xi further affirmed the value of adopting international technology product standards that have been developed in an open, transparent, market-driven, and balanced manner. Both leaders committed to shortening their respective negative lists as part of the ongoing BIT negotiations and to create a high-level joint dialogue mechanism to fight cybercrime. President Obama also committed to further facilitate RMB trading and clearing in the US while both leaders reaffirmed the US-China Joint Announcement on Climate Change that led to the Paris Agreement in December.

AmCham China applauds these positive outcomes and hopes that they will create a better environment for our members in 2016. However, active enforcement and verification from both sides is needed to ensure progress.
国际影响力上升倒逼中国深化改革

定中能够包括:

- 加强行政程序透明度以及执法和争议解决正当程序的执行;
- 减少经营要求，包括对数据和知识产权本地化要求，以及越来越多的强制技术转让要求;
- 对国有企业和指定垄断行为的约束;
- 明确国家安全的定义，限制过分宽泛地套用保护国家安全相关规定;
- 保障在适用和制定标准时遵循不歧视原则。

有关 BIT 的更多内容请参见“投资政策”一章。

2015年9月，在美中两国因网络安全问题关系日渐紧张之际，习近平主席正式访美并与工商领袖及奥巴马总统进行座谈，并多次发表与我们的会员企业利益密切相关的联合声明。特别值得一提的是，中国承诺:

- 限制对投资进行国家安全审查的范围;
- 避免网络盗窃知识产权行为;
- 遵守入世协定中有关信息和通信技术（ICT）产品市场准入的承诺;
- 避免利用竞争法治打击不正当竞争。

习主席还进一步肯定了采用以开放、透明、平衡的市场化方式制定的国际技术产品标准的价值。两国领导人都承诺在BIT谈判中缩减各自的负面清单，并建立高层联合对话机制以打击网络犯罪。奥巴马总统在2015年进一步提高透明度、法治和全面良好的治理等主题提出了更为鼓舞人心的目标。然而，会员企业对于十八届三中全会上提出的改革内容的缓慢实施颇为失望，并认为中国在开放市场方面的执行力和改革力度仍有待加强。

2015年的十八届五中全会强调“创新、协调、绿色、开放、包容”五大发展理念。“创新发展”指将创新作为经济发展的驱动力和推动经济高质量增长的工具;“协调发展”是指实现产业和城乡平衡协调发展;“绿色发展”是指实现环境友好型经济增长;“开放发展”是指中国将充分利用国际和国内市场，并积极参与全球治理;“包容发展”是指不断扩大社会服务。“十三五”规划纲要草案旨在设定中国在2016-2020年经济和社会发展各项目标和政策。该规划纲要草案现已发布，不过其主要内容依然是在重复已经出台的政策以及对三中全会提出各项改革目标作自然延伸。此外，五中全会提出的其他重点内容包括:

- 强调培育创新和创业，优化资源配置;
- 进一步支持“中国制造2025”和“互联网+”规划（详细内容请参见“信息通信技术”和“机械制造业”两章）;
- 宣布将在全国推行负面清单制;
- 强调产品质量，包括使国内产品质量和安全标准符合国际标准;
- 到2020年城镇化率达到60%；
- 放宽计划生育政策，允许一对夫妇生育两个孩子，并扩大城镇社会福利和社会保障覆盖范围，应对老龄化挑战。

2016年3月召开的“两会”就上述问题进行了研究探讨，并正式通过“十三五”规划纲要。然而各行业具体规划出台还需要等待一段时间，到时候它们对外商投资的影响才会完全展现。今年两会上，李克强总理作政府工作报告时称“今年发展面临的问题更多更大”，宣布2016年经济增速的目标区间为6.5%-7%，未来5年预期年增长率为6.5%。然而，在商会2016年《商务环境调查报告》中，近一半的受访者认为中国2016年GDP增速将会低于6.25%。事实上，如果不出台新的经济刺激措施，上述增
welfare services and social security to help address the challenges posed by an aging society.

These themes continued into the March 2016 “Two Sessions” or liang hui, where the 13th FYP was officially adopted, though it will take time for the multiple industry-specific guidelines to be released and for its full impact on foreign investment to become apparent. When delivering the liang hui work report, Premier Li Keqiang remarked that “there will be more and greater difficulties” this year, and announced a target range for economic growth in 2016 at between 6.5 and seven percent, with an annual target of 6.5 percent over the next five years. In contrast, almost half of the respondents to our 2016 Business Climate Survey expect China’s GDP to grow in 2016 by less than 6.25 percent. Indeed, reaching this target may prove difficult without additional stimulus efforts that may exacerbate the challenges of overcapacity and bad debt and ultimately hurt the economy. However, Li indicated that central fiscal and monetary policies would be the key tools utilized to reach this goal.

The liang hui also reemphasized the “decisive role” of market forces and made further reference to the need for “supply side” reforms, a buzz term in 2015, referring to the scaling back of inefficiencies and promoting market forces through efforts including SOE and tax system reforms, reducing overcapacity, streamlining bureaucracy, and lowering corporate costs. While such market-focused reforms continue to be promoted, our members remain concerned about the continuance of industrial and other protectionist policies that conflict with these stated goals.

The Chinese government also laid the building blocks of a sweeping, often broadly cast national security and cybersecurity regime in 2015 that our members fear may, to some extent, be used to implement discriminatory economic policies or otherwise constrain their ability to do business in the country. If promulgated, these policy developments may also negate or reduce the potential benefits from the Third Plenum reforms and BIT negotiations. As explained in further detail in the Investment Policy and ICT chapters, such policies of concern include the National Security Law, Draft Cybersecurity Law, Counterterrorism Law, and data localization and “secure and controllable” regulations.

Additionally, as further discussed in our Business Sustainability and Community Engagement chapter, a draft “Foreign Non-governmental Organization Management Law” was released in May 2015, offering an overly broad definition of NGOs and placing oversight of such organizations under the Ministry of Public Security. Our members have expressed strong concern regarding the breadth and content of the Draft NGO Law, as it has the potential to seriously disrupt the operations of a wide variety of organizations that provide positive services to China and its people, including foreign universities, charities, business associations, and even the corporate social responsibility activities of many commercial enterprises. We were pleased by the recently announced decision to withdraw the draft for further review.

Taken together, it is clear that, despite the calls for reform and market liberalization, the implementation process of China’s stated reforms will prioritize the support and development of domestic enterprises and will continue to proceed incrementally and in a piecemeal fashion. However, we continue to believe that China needs to accelerate its opening and reform efforts to effectively address domestic economic pressures and ensure that it remains competitive in the global market. According to Ministry of Commerce statistics, as reported by Xinhua, the over 830,000 foreign-invested enterprises (FIEs) operating in China have made significant contributions and, by the end of 2015, accounted for one-half of foreign trade, one-quarter of industrial output, one-seventh of urban employment, and one-fifth of tax revenues. Despite the clear benefits of foreign investment, many FIEs continue to be unfairly squeezed out of the market.

Business Climate Overview

A Difficult Year for Growth and Profits

According to our 2016 Business Climate Survey Report, although many member companies continued to experience growth in 2015, almost one in four reported declining revenues and another one in five reported flat revenues compared with 2014. Companies in the services sector were most likely to report growth, while the industrial and resources sector had the toughest year, with almost half of companies reporting declining revenues. At the same time, the overall proportion of companies characterizing their business as financially profitable in 2015 fell to 64 percent, the lowest level in the past five years.

Economic, Regulatory, and Human Resource Challenges

China’s economic challenges are clearly impacting member companies. For example, industry overcapacity was reported as a top five business challenge. For the past four years, China’s construction machinery industry has experienced considerable overcapacity, resulting in high inventories, cash-flow constraints, and large account receivables. That said, many respondents remain optimistic about China’s domestic market growth potential.

In addition to the economic challenges, member companies report the regulatory environment as being a key factor hindering their ability to invest and grow. For the first time in five years, member companies cited “inconsistent regulatory interpretation and unclear laws” as the top business challenge. “Obtaining required licenses” also returned to the list of top five business challenges.
商务环境综述

增长和盈利双双困难的一年

2016年《商务环境调查报告》显示，尽管很多会员企业在2015年继续实现增长，但近1/4的受访企业却表示营收下滑，另有1/5表示营收与2014年持平。其中2015年对于工业和资源企业是极为艰难的一年，该领域近1/2的企业表示营收下降。与此同时，会员企业表示其业务在2015年实现盈利的总体比例下降至64%，是过去五年里的最低水平。

How does the forecast of this year’s revenue of your China operations compare to last year’s?

2015年贵公司在华业务的经营收入预计与2014年相比有何变化？
Please rank your top five business challenges in China:

<table>
<thead>
<tr>
<th>Business Climate Overview</th>
<th>2016 White Paper</th>
<th>AmCham China</th>
</tr>
</thead>
</table>

| Human resource issues also continue to challenge member operations, with labor costs and a shortage of qualified employees both making the list of top five challenges. However, there are signs of progress. For example, labor costs have historically increased 10 percent per year or more; if suggested changes in mandatory employer-contributed social benefits are put into effect on a local basis, such increases may slow to below 10 percent for the first time in years. More information on related issues can be found in the Human Resources chapter. |

**Though China Remains a Top Priority, Fewer Companies are Increasing Levels of Investment**

China remains a top-three investment priority for six of 10 member companies. This, however, marks a decline from our 2012 report, in which almost eight of 10 companies named China a top-three investment priority. Consumer and services companies are the most likely to prioritize China in growth plans, while industrial and resources companies are the least likely. Approximately one-third of member companies are not planning to increase their investments in China during 2016. Slower economic growth, rising costs, and market access barriers or disadvantageous government policies are the top three cited reasons for decreasing investment levels.

By the end of 2015, 25 percent of respondents had either already moved or were planning to move capacity outside China’s agricultural processing industry struggles due to high input costs and over-capacity. China’s agricultural processing industry struggles due to high input costs and over-capacity. The policies of the “One Belt, One Road” initiative remain unclear and members are concerned that priority will be given to domestic project contractors, construction machinery manufacturers, and financial institutions.

“一带一路”战略构想尚不清晰，会员企业担心该政策会给予国内工程承包商、建筑机械制造商及金融机构以优待。

FIEs have had great difficulty obtaining “plant variety protection” which is necessary to promote innovation in the seed industry and foster introduction of new plant varieties into the market.

外资企业在取得对于促进种业创新及向市场培养和引进新品种植物都举足轻重的“植物新品种保护”时，面临重重困难。

The practices of auctioning off the best shale gas lots in the Sichuan Basin to National Oil Companies rather than to private domestic or foreign companies has slowed gas extraction.

四川盆地大量品质最佳的页岩气被拍卖给国家石油公司，而非国内或国外的民营企业。
国际影响力上升倒逼中国深化改革

经济、监管和人力资源挑战

中国经济增速下滑对我们的会员企业造成显著影响。例如，行业产能过剩被受访企业列在所面临商业挑战的前五名之内。在过去四年里，中国建筑工程机械行业面临的严重的产能过剩现象，导致库存居高不下、资金流动紧张和大量应收账款难以收回。不过，许多受访企业依然对中国国内市场发展潜力表示乐观。

除了经济挑战外，会员企业反映监管环境也是影响他们投资和增长能力的一个关键因素。五年来会员企业首次将“法律法规执行不一致/不清楚”列为第一大商业挑战。“取得相关许可证件困难”也重返商业挑战前五位。

人力资源问题依然困扰着我们的会员企业，劳动力成本上升和缺少合格员工双双进入商业挑战前五位。不过这方面也出现了一些积极信号。比如，劳动力成本的年增长率目前已达到了历史性的10%或更高，但如果各地雇主缴纳社会福利的要求正式实施，则有望在今明两年将其增速减至10%以下。相关信息请详见“人力资源”一章。

60%的会员企业依然将中国列为前三大投资目的地，而在我们2012年的调查中，则有80%的会员企业将中国列为他们的前三大投资目的地。物流和服务型企业计划优先发展中国市场的比例最高，而工业和资源类企业则相对最低。近1/3的会员企业不打算在2016年增加在华投资，三大主要原因分别是经济增速放缓、劳动力成本上升和市场准入障碍或不利于外资企业的政府政策。

截至2015年底，25%的受访企业已经或准备将产能移出中国，其中的一半表示将 migrate to “亚洲发展中国家”，40%表示移往美国、加拿大或墨西哥。

在中国投资方面，会员企业表示将优先投资北部和东部沿海地区，其次是南部沿海地区和西南地区。尽管受访者表示西南地区经济增长潜力巨大，但他们认为该地区经商便利度相对较低。更多区域投资问题详见《白皮书》区域性问题相关章节。

会员企业优先投资创新

绝大多数我们的会员企业将创新作为优先发展的重点业务。超过90%的受访企业相信在中国开展创新将会成为他们企业未来在华业务增长的重要驱动力。受访企业还表示品牌、技术、知识产权及研发创新是相对于国内竞争者所拥有的竞争优势的前五名。创新有助于抓住新客

Services Sector 服务行业

Top Five Business Challenges 五大商业挑战

<table>
<thead>
<tr>
<th>Challenge</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inconsistent regulatory interpretation and unclear laws</td>
<td>57%</td>
</tr>
<tr>
<td>Rising labor costs</td>
<td>53%</td>
</tr>
<tr>
<td>Shortage of qualified employees</td>
<td>41%</td>
</tr>
<tr>
<td>Shortage of qualified management</td>
<td>35%</td>
</tr>
<tr>
<td>Obtaining required licenses</td>
<td>30%</td>
</tr>
</tbody>
</table>

Examples from the White Paper 详见《白皮书》

<table>
<thead>
<tr>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>In the 2015 revised Foreign Investment Catalogue, foreign investment in insurance brokerages is no longer classified as &quot;Restricted,&quot; but CIRC has yet to issue regulations to implement this reclassification.</td>
</tr>
<tr>
<td>Foreign law firms are not allowed to hire and admit to their partnerships PRC-qualified lawyers unless they suspend their PRC lawyer's license.</td>
</tr>
<tr>
<td>Since the revised &quot;Measures for Administrative Licensing of Foreign-funded Banks&quot; entered into effect in June 2015, we have noted inconsistent interpretation and implementation among regulators, resulting in slow and inconsistent approval processes. Self 2015年6月修订的《外资银行行政许可事项审批实施办法》开始正式实施后，我们注意到，不同监管部门对该办法的解释和适用并不一致，导致审批程序依然耗时长且不明确。</td>
</tr>
</tbody>
</table>
DOMESTIC REFORM PRESSURES RISE AS CHINA’S GLOBAL INFLUENCE EXPANDS

DOMESTIC REFORM PRESSURES RISE AS CHINA’S GLOBAL INFLUENCE EXPANDS

of China. While almost half of these respondents are moving capacity to “Developing Asia,” almost 40 percent report moving capacity to the US, Canada, or Mexico.

Within China, member companies are prioritizing investments for the northern and eastern coast regions, followed by the southern coast and the southwest. Although respondents see significant economic growth opportunities in the southwest, they rate the region relatively lower on ease of doing business. More information on regional investment issues can be found in the Regional Issues section of the White Paper.

**Member Companies Prioritizing Innovation**

Innovation is an important business priority for most member companies. More than nine in 10 respondents believe that innovation in China will be important to their company’s future growth here. Respondents also report that brands, technology and IP, and development and innovation are among the top five competitive advantages member companies have relative to domestic competitors. Innovation can help capture growth opportunities in new customer segments and is required for launching new products or services, both of which are listed as primary business objectives for most member companies. Such innovation is increasingly designed for China, with 40 percent of companies reporting that more than half of their revenue comes from products or services designed, developed, or tailored to local requirements, a significant increase from 32 percent last year.

AmCham China member companies are also innovating in line with changes in the technology environment. Respondents report that “digitalization” will be a top priority, with more than 70 percent rating digitalization of sales, marketing, distribution, and customer relationship management as very or extremely important to enhancing their competitiveness. This is consistent with companies in most sectors reporting that China’s “Internet +” and the growth of e-commerce present important growth opportunities. Similarly, many of the industry-specific chapters within the White Paper note the increasing importance of digitalized distribution and customs processes and the role of e-commerce and related policies in sale and distribution of products.

In order to innovate in China, member companies are hiring domestically and investing in employee training. Hiring and developing talent are also reflected as the top two human resource priorities for all companies in 2016. In addition, more than 40 percent of companies with 250 or more employees in China have established an R&D center in China to support their innovation strategies. Furthermore, one-third of respondents have established partnerships with...
国际影响力上升倒逼中国深化改革

国际影响力上升倒逼中国深化改革

越来越多的企业开始针对中国市场开展创新，40% 的受访企业表示他们的企业营收中超过一半来自专门针对本地需求设计、开发或定制的产品或服务，相较去年的 32% 有了显著的增长。

同时，中国美国商会会员企业也正在顺应技术环境变化积极开展创新。受访企业表示，“数字化”将是首要发展领域。超过 70% 的企业认为销售、市场营销、配送和客户服务管理的数字化对提高企业竞争力极其重要。这一点也表现在大多数行业内的企业表示中国“互联网+”战略和电子商务的繁荣为他们带来重要的业务增长机会。另外，《白皮书》中的行业各章也突显出配送和报关数字化、电子商务和产品销售及配送等相关政策的重要性。

为了在中国开展创新，我们的会员企业雇用本土人才并加大了员工培训的投入。雇用和开发人才也是所有受访企业 2016 年在人力资源方面的两大工作重点。另外，在华雇用 250 名及以上员工的会员企业中，有超过 40% 的企业表示已经在中国建立研发中心以支持公司实施创新战略。另外，1/3 的受访企业表示已经与中国相关机构或企业建立合作关系。然而，数据本地化要求可能会对这些创新活动造成阻碍，进而影响中国经济增长。因为外资企业不能继续使用现有信息技术供应商和基础设施，导致成本被推高，同时，本地化要求也切断了本土企业与全球市场上的潜在客户的联系。

互联网管控也阻碍了创新发展。近 4/5 的受访企业表示互联网管控，包括访问中国境外速度变慢、无法登陆部分网站或重要数据源、网络连接和速度不可靠不稳定以及无法使用部分网络工具等，都对企业在华业务正常运营造成了负面影响。

政策趋势

尽管会员企业表示，法律法规执行不一致和不清楚以及取得许可证件困难使他们面临重大商业挑战，但如果将今年的调查结果与往年比较，会发现会员企业也认为中国在知识产权保护、数据安全环境和反腐败等方面取得一定进展。虽然这些问题对许多受访企业来讲依然构成挑战，但其发展趋势却乐观。

在知识产权保护方面，大多数受访企业认为专利、版权和商标相关法律法规得到有效实施并发挥作用。但是大
What percentage of your China revenues comes from products or services that were locally designed, developed or at least tailored to local requirements?

本土设计、开发或迎合本地需求的产品或服务在中国业务营收中占多大比例？

- More than 75% 75% 以上
- 50-75%
- 25-50%
- 10-25%
- Less than 10% 小于 10%

Innovation is also stunted by Internet controls. Nearly four in five members report that Internet controls – including the slower speed of accessing websites outside of China, the inability to access certain websites and sources of crucial data, unreliable or inconsistent access and speed, and the inability to use certain online tools – negatively impact their ability to conduct business normally in China.

Policy Trends

Although member companies report significant business challenges due to inconsistent regulatory interpretation and unclear laws and difficulty obtaining licenses, comparing this year’s survey responses with prior years suggests progress on protection of intellectual property rights (IPR), the data security environment, and anti-corruption. These areas continue to be pressing concerns for many survey respondents, but the trends are positive.

Regarding IPR, a majority of respondents view patents, copyright, and trademark laws and regulations as being

What types of investment or actions have you taken to innovate in China? (Select all that apply.)

为了在中国开展创新，贵公司采取了哪些投资或行动？请选择所有适用选项

- Hire staff domestically
- Training for employees
- Establish partnerships with Chinese organizations or companies
- Adapt company culture to support innovation
- Redesign organization structures or processes to support innovation
- Establish an R&D center
- Hire or transfer staff from overseas
- Other

43% of large companies established an R&D center

43% 的大型企业已经设立研发中心
多数受访企业认为商业秘密相关法律法规执行不力，没有发挥其效用。虽然知识产权执法施行效果目前依然差强人意，但是仍有 90% 的受访企业对过去五年间中国知识产权执法的持续提升表示认可。同时，52% 的受访企业认为中国境内的知识产权法律风险和信息技术或数据安全威胁要高于其他地区，但相较去年的 60% 还是有所改善。腐败问题之前一直位列商业挑战前五位，但截至今年，已经连续两年没有列到商业挑战前五位。

尽管取得上述进展，但在因为“不利于外资企业的市场准入壁垒或政府政策”而计划减少在华投资的企业中，超过 80% 的来自服务行业以及技术和研发密集型行业。

### 中国美国商会 2016 年工作重点

面对上述挑战，我们促请中国加快改革进程，以保持全球市场竞争力。已宣布的改革却一直缺乏明确性以及不愿解决外国投资者面临的根本性问题，这导致外资企业对中国政府是否真的愿意推进改革和开放经济产生了怀疑。中国持续使用产业政策限制外资参与中国经济、执法缺乏透明度以及自由裁量权过大以及过于宽泛地适用国家安全相关法律法规，都是我们会员企业十分担忧的问题。这些久悬不决的根本性问题，反映出中国发展方向与国际通行做法之间的分歧。

我们坚定地相信，中国在未来发展中，应当继续坚持个人、组织和政府层面的国际互动和合作，同时还应该采
DOMESTIC REFORM PRESSURES RISE AS CHINA’S GLOBAL INFLUENCE EXPANDS

Which of the following are important opportunities for your China business? Please select your top three opportunities.

<table>
<thead>
<tr>
<th>Industrial &amp; Resources</th>
<th>Technology &amp; Other R&amp;D Intensive</th>
<th>Consumer</th>
<th>Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urbanization and continued support for infrastructure investments</td>
<td>Growth in domestic consumption/Rise of an increasingly sizeable and affluent middle class</td>
<td>Growth in domestic consumption/Rise of an increasingly sizeable and affluent middle class</td>
<td>Globalization of Chinese companies and increased outbound investment</td>
</tr>
<tr>
<td>城镇化和对基础设施投资的持续支持</td>
<td>国内消费增长 / 中产阶层规模扩大，收入水平提高</td>
<td>国内消费增长 / 中产阶层规模扩大，收入水平提高</td>
<td>中国公司全球化和境外投资增长</td>
</tr>
<tr>
<td>Growth in domestic consumption/Rise of an increasingly sizeable and affluent middle class</td>
<td>“Internet +” and growth of e-commerce</td>
<td>“Internet +” and growth of e-commerce</td>
<td>Growth in domestic consumption/Rise of an increasingly sizeable and affluent middle class</td>
</tr>
<tr>
<td>国内消费增长 / 中产阶层规模扩大，收入水平提高</td>
<td>“互联网 +” 和电商增长</td>
<td>“互联网 +” 和电商增长</td>
<td>国内消费增长 / 中产阶层规模扩大，收入水平提高</td>
</tr>
<tr>
<td>Addressing environmental challenges/environmental protection</td>
<td>Increasing capabilities in China for innovation (R&amp;D, etc.)</td>
<td>Ongoing economic and social reforms, e.g., Shanghai Free-Trade Zone</td>
<td>“Internet +” and growth of e-commerce</td>
</tr>
<tr>
<td>解决环境挑战 / 环境保护</td>
<td>中国创新能力不断提高</td>
<td>经济和社会改革，如上海自贸区</td>
<td>“互联网 +” 和电商增长</td>
</tr>
<tr>
<td>43%</td>
<td>32%</td>
<td>33%</td>
<td>34%</td>
</tr>
</tbody>
</table>

effective. However, trade secret laws and regulations are viewed by a majority as being ineffective. And while the effectiveness of the actual enforcement of IPR is rated somewhat lower than the laws and regulations themselves, nine in 10 respondents believe that China’s enforcement of IPR has improved over the last five years. Similarly, while 52 percent of respondents believe the risk of IP leakage and IT or data security threats is greater in China than in other regions, this percentage is below last year’s 60 percent. Corruption, which has historically ranked among the top-five business challenges, did not rank among the top ten business challenges for the second year in a row.

Despite this progress, 77 percent of respondents feel that foreign businesses are less welcome than before in China. This response is consistent across industries, but most frequently cited by companies in the industrial and resources and technology and R&D-intensive sectors. Such industries are facing the greatest challenges posed by issues of overcapacity and report a greater concern over the regulatory environment overall, respectively. Of note, the strong concerns and pessimism over the regulatory environment from technology and R&D intensive companies suggest that the government’s stated priority to support innovation in China is not yet fully available to foreign businesses.

AmCham China’s Priorities for 2016

In light of these challenges, we urge China to increase the pace of its reform process to remain competitive in the global economy. The continued lack of clarity surrounding its stated reforms and reluctance to address the fundamental concerns of foreign investors has led to doubt regarding the Chinese government’s stated intentions to reform and open the economy. The continued use of industrial policies that restrict foreign participation in China’s economy, the lack of transparency and excessive discretion in the enforcement of regulations, and the implementation of overly broad national security regulations are of great concern to our members. The persistence of these funda-
国际影响力上升倒逼中国深化改革

我们对中国的国际参与表示欢迎，并期待中国继续推进国际合作，造福中国和全球经济。我们强烈鼓励中国为实现上述目标，积极地向国际通行做法和规则靠拢。

具体而言，我们促请中国政府继续推进以下领域的​工作并取得成效，这些领域也是 2016 年中国美国商会的工作重点：

### 公平性和透明度

只有遵循法治，透明执法，建立所有企业公开公平竞争的市场环境，才能实现经济可持续发展。

具体而言：
- 我们认为中国应当履行承诺：不论法律法规具体名称如何，只要属于法律法规，其草案就应留足 30 天的公示及征求意见期。
- 我们鼓励中国政府通过发布反垄断相关调查结果和过往案例来提高透明度。

### 充满活力、开放的投资环境

不论来源国如何，健康的投资都可以产生经济活动，创造就业，提升技能，扩大消费者选择范围，促进经济增长。

具体而言：
- 我们鼓励中国政府在完成 BIT 谈判签署前，进一步开放服务业和消费行业，从而促进经济更快增长。
- 我们鼓励两国政府优先推进美中 BIT 谈判进程，缔结一个负面清单短、例外条款少、适合中国独特市场条件且可使两国都从中实现利益最大化的完善的美中双边投资协定。

### 公平、市场导向型创新

只有在一个保护知识产权、有效打击知识产权违法行为、没有过度政府管制、各界广泛参与标准制订的环境下，创新才可能蓬勃发展。实施创新驱动新政策时，应当对内外资企业一视同仁，营造公平且非歧视的执法环境。

具体而言：
- 我们认为不管在哪个国家，本土化要求都会限制创新和竞争，中国美国商会促请中国政府明确表示欢迎外资企业作为平等主体参与目前正在推进的各项战略计
mental concerns indicates a divergence between the direction of China’s development and international norms.

We strongly believe that China should continue to embrace the benefits of global interaction and cooperation between people, organizations, and governments as it continues to develop. It should also actively pursue investment and trade policies that will allow it to participate in and benefit from these global developments. We welcome China’s global engagement and look forward to continued cooperation that will benefit both China and the global economy. We strongly encourage China’s convergence with international norms and rules to successfully achieve these goals.

In particular, we urge progress in the following three areas, which have been established as AmCham China’s priorities for 2016:

**Fairness and Transparency**

Economies benefit from the provision of a level playing field in an environment based on open competition for all companies through the transparent enforcement of regulations in accordance with the rule of law.

Specifically:

- We believe that China should implement across the board its multiple commitments for 30-day notice and comment periods on draft laws and regulations, regardless of how the regulations are labeled.
- We encourage the Chinese government to improve transparency by releasing formal findings and case histories of anti-monopoly-related investigations.

**Dynamic and Open Investment Environment**

Sound investment generates economic activity regardless of the country of origin and creates jobs, raises skills, expands consumer choice, and grows the economy.

Specifically:

- We encourage the Chinese government to implement further market opening in the services and consumer sectors prior to the completion of a BIT to foster greater growth.
- We encourage both governments to prioritize negotiation of a robust US-China BIT with a short negative list, narrowly crafted exceptions, and text that ensures the full benefits of the treaty can be effectively reached within China’s unique market.

**Fair and Market-based Innovation**

Innovation flourishes only in an environment where IP is protected from infringement and excessive government regulation and standards are set with broad participation. Policies encouraging innovation should be implemented in a fair and nondiscriminatory manner for both foreign and domestic companies.

Specifically:

- We believe that indigenization hampers innovation and competitiveness in any country and urge the Chinese government to expressly welcome FIEs as equal participants in ongoing initiatives including “Made in China 2025.”
- We encourage the Chinese government to remove requirements for IP localization and to allow foreign companies to participate in standards development organizations on an equal basis with domestic companies.
- We also encourage the Chinese government to build upon the progress made in improving the IPR environment through the expansion of the IP courts and the creation of a comprehensive trade secrets law.

We believe that the adoption of these recommendations, in addition to the more specific recommendations outlined throughout the chapters of this 2016 White Paper, will result in a better investment and economic environment overall, not only for the benefit of our members but also as a vital component of the Chinese government’s overall reform efforts.

*An outline of more industry-specific recommendations within these three priority categories can be found in the White Paper Summary Report.*
国际影响力上升倒逼中国深化改革

我们鼓励中国政府取消对知识产权本地化的要求，并允许外资企业与内资企业一样，在平等的基础上，加入标准制定组织。

我们还鼓励中国政府在已经取得的知识产权环境改善的相关成就的基础上，继续增加知识产权法院的数量，并制定一部综合性商业秘密法律。

我们相信，采纳上述建议以及2016年《白皮书》中相关章节提出的具体建议，将有助于中国改善总体投资和经济环境。这不仅将惠及我们的会员企业，也将在中国政府总体改革进程中发挥关键作用。

上述三大重点领域中的具体行业建议大纲参见《白皮书概要》。
# 2016 White Paper Recommendation Scorecard

The Recommendation Scorecard is an important tool that helps AmCham China track the progress made each year in its top areas of concern. The following table is an index of the priority recommendations from each of the 2015 and 2016 AmCham China White Paper chapters.

The progress rating indicates our members’ perception of the level of progress – either high, moderate, or low – achieved by relevant government officials in resolving the priority challenge designated in each chapter of the 2015 White Paper. The final column indicates each chapter’s priority recommendation for 2016.

<table>
<thead>
<tr>
<th>Chapter</th>
<th>2015 Recommendation</th>
<th>Progress Rating</th>
<th>2016 Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture</td>
<td>Reduce barriers to foreign participation and investment in agriculture, in particular by moving more agricultural products to the Encouraged section of the Foreign Investment Catalogue, and removing most agricultural segments from the negative lists of the Shanghai FTZ and BIT.</td>
<td>Moderate Progress</td>
<td>Improve the sustainability and competitiveness of Chinese agriculture by encouraging foreign investment in seed technology, modern agricultural processing, and bulk transportation.</td>
</tr>
<tr>
<td>US Government</td>
<td>Work with Chinese officials through bilateral dialogues, including the JCCT, S&amp;ED, and US-China BIT negotiations, to address investment restrictions faced by US agriculture producers.</td>
<td>Moderate Progress</td>
<td>Work with Chinese officials through bilateral dialogues, including the JCCT, S&amp;ED, and US-China BIT negotiations to address the investment restrictions faced by US agriculture producers.</td>
</tr>
<tr>
<td>Automotive Industry</td>
<td>Consider the level of industry development and the overall market environment when adopting international rules or developing unique standards, and allow enough lead time for businesses to make adjustments and ensure compliance.</td>
<td>Moderate Progress</td>
<td>Consider the level of industry development and the overall market environment when adopting international rules or developing unique standards and allow enough lead time for businesses to make adjustments and ensure compliance.</td>
</tr>
<tr>
<td>Banking and Capital Markets</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Chinese Government</td>
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</tr>
<tr>
<td>Bonds Market</td>
<td>Level the playing field for investors, strengthen market infrastructure, and promote greater transparency to develop a healthy and well-functioning bond market.</td>
<td>High Progress</td>
<td>Further open China’s bond markets, including the Panda Bond market, to foreign issuers through market-based reforms to create diverse markets.</td>
</tr>
<tr>
<td>Commercial Banking</td>
<td>Better coordinate reporting requirements under the guidance of the respective regulators’ head offices; increase efficiency in data collecting and reduce or simplify the numerous reporting requirements.</td>
<td>Low Progress</td>
<td>Allow US banks to enter the interbank bond market through the removal of technical barriers and to provide OTC commodities derivatives to Chinese clients.</td>
</tr>
<tr>
<td>Credit Ratings</td>
<td>Remove or ease foreign ownership restrictions on foreign-affiliated CRAs.</td>
<td>Low Progress</td>
<td>Remove or ease foreign ownership restrictions on foreign-affiliated CRAs.</td>
</tr>
<tr>
<td>Private Equity and Venture Capital</td>
<td>Optimize tax policies for limited-partnership VC/PE funds, accelerate the growth of qualified institutional investors, and improve QDLP pilot policies.</td>
<td>Low Progress</td>
<td>Explore avenues to improve the policy environment for investing local pension funds and enterprise annuities in VC/PE funds.</td>
</tr>
<tr>
<td>Securities</td>
<td>Fully liberalize foreign investment in the securities sector as soon as possible, and do not include securities on the US-China BIT negative list.</td>
<td>Low Progress</td>
<td>Fully liberalize foreign investment in the securities sector as soon as possible, before conclusion of US-China BIT negotiations.</td>
</tr>
</tbody>
</table>
2016年《白皮书》主要建议一览表

此主要建议一览表帮助中国美国商会追踪重点关注领域的年度发展进程。下表列出了中国美国商会2015及2016年白皮书各章节提出的主要建议。

相关政府官员积极应对2015年《白皮书》各章节所提及的挑战，并取得一定进展，进展评分正是表明了会员公司对政府相关改革进展的评价——进展明显、有所进展或进展较慢。最后一栏列出2016年《白皮书》各章节的主要建议。

<table>
<thead>
<tr>
<th>章节</th>
<th>2015年白皮书主要建议汇总</th>
<th>进展评分</th>
<th>2016年白皮书主要建议汇总</th>
</tr>
</thead>
<tbody>
<tr>
<td>农业</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>中国政府</td>
<td>减少对外国参与和投资农业的限制，特别是将更多的农产品移至外商投资目录之“鼓励”类，同时将大多数农业产业从负面清单中去除。</td>
<td>有所进展</td>
<td>鼓励投资现代农业加工、粮食散货运输和种子技术，从而提高中国农业的可持续性和竞争力。</td>
</tr>
<tr>
<td></td>
<td>通过中美商贸联委会、中美战略经济对话和中美双边投资协定谈判等平台，加强双边对话，解决美国农业企业所面临的投资限制。</td>
<td>有所进展</td>
<td>通过中美商贸联委会、中美战略经济对话和中美双边投资协定谈判等平台，加强双边对话，解决美国农业企业所面临的投资限制。</td>
</tr>
<tr>
<td>汽车行业</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>中国政府</td>
<td>采纳国际规则或制定特有标准时，考虑行业发展水平和市场总体环境，并给出足够的提前期，使企业有充分的时间做出调整，确保合规。</td>
<td>有所进展</td>
<td>采纳国际规则或制定特有标准时，考虑行业发展水平和市场总体环境，并给出足够的提前期，使企业有充分的时间做出调整，确保合规。</td>
</tr>
<tr>
<td>银行和资本市场</td>
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</tr>
<tr>
<td>中国政府</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• 债券市场</td>
<td>为投资者提供公平的环境，加强市场基础设施建设，提高透明度，从而建立一个运行良好的健康的债券市场。</td>
<td>进展明显</td>
<td>通过市场改革进一步优化面向外国发行人的中国债权市场，包括熊猫债权市场，创建多元化市场。</td>
</tr>
<tr>
<td>• 商业银行</td>
<td>在各监管总部的指导下，统一监管要求，提高信息收集效率，减少或简化各类申报要求。</td>
<td>进展缓慢</td>
<td>取消或放宽外资对银行债权市场的限制，并为中国客户提供境外交易高收益衍生产品。</td>
</tr>
<tr>
<td>• 信用评级</td>
<td>取消或放宽对外资CRA中外资比例的限制。</td>
<td>进展缓慢</td>
<td>取消或放宽对外资CRA中外资比例的限制。</td>
</tr>
<tr>
<td>• 私募债权</td>
<td>通过落实本章提出的相关建议，优化对有限合伙制VC/PE的税收政策，促进合格机构投资者的发展，完善QDLP试点政策。</td>
<td>进展缓慢</td>
<td>通过落实本章提出的相关建议，优化对有限合伙制VC/PE的税收政策，促进合格机构投资者的发展，完善QDLP试点政策。</td>
</tr>
<tr>
<td>• 证券</td>
<td>尽快完全实现境外投资证券业的完全自化，且不将证券列入中美双边投资协定负面清单中。</td>
<td>进展缓慢</td>
<td>尽快完全实现境外投资证券业的完全自化，且不将证券列入中美双边投资协定负面清单中。</td>
</tr>
</tbody>
</table>
## Business Sustainability and Community Engagement (formerly Civil Society)

<table>
<thead>
<tr>
<th>Chapter</th>
<th>2015 Recommendation</th>
<th>Progress Rating</th>
<th>2016 Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Chinese Government</strong></td>
<td>Broaden and clarify the scope of what constitutes a public interest charity that can be registered directly with the local bureau of civil affairs, and provide clear and specific registration guidance that is implemented consistently nationwide.</td>
<td>Moderate Progress</td>
<td>Revise the Draft NGO Law to incorporate the concerns raised by AmCham China and many other international and domestic stakeholders. [MoCA, MPS]</td>
</tr>
<tr>
<td><strong>US Government</strong></td>
<td>Establish a US-China collaboration mechanism on social innovation to bring civil society organizations together and exchange ideas on how the government can work with civil society organizations to outsource certain services, seed new ideas, and scale proven, demonstrated success stories. Such collaboration should seek to promote and expand ideas for addressing social problems based on learned experiences from both countries.</td>
<td>Low Progress</td>
<td>Continue to reiterate concerns regarding the Draft NGO Law in exchanges with relevant government stakeholders in China. [DoS]</td>
</tr>
</tbody>
</table>

### Chengdu

| **Sichuan and Chengdu Governments** | Establish more waste disposal vendors in Sichuan province and allow the transportation of industrial waste across provincial borders to nearby disposal facilities. | Low Progress | Continue expanding trade and market opportunities for US companies and promote equal treatment of US and local companies. |

### Chongqing

| **Chongqing Government** | Re-evaluate the social insurance tax on FIEs to accommodate companies already providing insurance to their employees. | Moderate Progress | Clarify the visa and Foreign Expert Permit application process and make it more inclusive, to attract qualified foreign talent to the region. |

## Clean Technology

| **Chinese Government** | Continue to set targets and provide preferential policies and incentives for green and energy-efficient building construction and retrofit. | Moderate Progress | Further engage with the ECP on pilot programs that allow US companies to participate on a level basis with domestic state-owned and private companies in clean technology initiatives and market development. |
| **US Government** | Consider diversifying funding beyond the CERC in order to create opportunities for SMEs and early-stage companies looking for project and partnership development opportunities within the Chinese market. Supporting multiple investments and consulting platforms fosters both diversity and specialization. | Low Progress | Continue to fund the ECP to support deployment of US clean technologies and services in the Chinese market. [DOE, Department of Commerce, US Trade and Development Agency] |

## Competition Law

| **Chinese Government** | Issue formal guidelines confirming that foreign-qualified lawyers (PRC-qualified lawyers working in foreign law firms) and foreign counsel will be allowed to attend meetings and investigations of MOFCOM, NDRC, and SAIC, alongside local counsel to implement China’s JCCT commitment. | Low Progress | Issue formal guidelines confirming that foreign-qualified lawyers (i.e., PRC-qualified lawyers working in foreign law firms) and foreign counsel will be allowed to attend meetings and investigations of all three agencies, alongside local counsel, to implement China’s JCCT commitment. |

## Compliance

<p>| <strong>Chinese Government</strong> | Build on the goals laid out in the Fourth Plenum to further develop rule of law, with the goal of a consistent and predictable legal and regulatory environment for all enterprises, foreign or domestic. | Moderate Progress | Further build on the goals laid out at the Fourth Plenum and in the 13th Five-Year Plan to develop the rule of law, with the goal of a consistent and predictable legal and regulatory environment for all enterprises, both domestic and foreign. |
| <strong>US Government</strong> | Work with Chinese officials through bilateral dialogues, including the JCCT, S&amp;ED, and US-China BIT negotiations, to address the full range of compliance issues and their enforcement. | High Progress | Work with Chinese officials through bilateral dialogues, including the JCCT, Strategic and Economic Dialogue, and US-China Bilateral Investment Treaty negotiations, to address the full range of compliance issues and their enforcement. |</p>
<table>
<thead>
<tr>
<th>章 节</th>
<th>2015年白皮书主要建议汇总</th>
<th>进展评价</th>
<th>2016年白皮书主要建议汇总</th>
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</thead>
<tbody>
<tr>
<td>企业可持续性和社区参与（前称“公民社会”）</td>
<td></td>
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</tr>
<tr>
<td>中国政府</td>
<td>扩大并明确可由当地民政机构直接申请登记的公益慈善机构的范围，并制定全国统一的、明确且具体的登记指南。</td>
<td>有所进展</td>
<td>根据中国美国商会和其他国际和国内利益相关方的意见修改《非政府组织法》草案。[民政部、公安部]</td>
</tr>
<tr>
<td>美国政府</td>
<td>建立美中社会创新合作机制，聚合公民社会组织，与政府交流如何与公民社会组织合作进行外包服务，培养新方法和评价现有公私合作的成功经验。上述合作应当努力推广以便基于两国现有经验解决社会问题。</td>
<td>进展缓慢</td>
<td>在与中国相关政府机构交换意见时继续重申对《非政府组织法》草案的关注。[国务院]</td>
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<tr>
<td>成 都</td>
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<tr>
<td>四川省和成都市政府</td>
<td>在四川省内建立更多废物处理厂，允许工业废物运出省，由附近的废物处理厂处理。</td>
<td>进展缓慢</td>
<td>继续扩大美国企业的贸易和市场机会，采取措施，保障美国企业和当地企业享有同等待遇。</td>
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<tr>
<td>重 庆</td>
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<tr>
<td>重庆市政府</td>
<td>充分考虑外资企业已经为其员工购买商业保险的现状，对外资企业适用社会保险税政策进行重新评估。</td>
<td>有所进展</td>
<td>明确签证、外国专家许可证的申请程序，使其更具包容性，以吸引合格的外国人才来渝。</td>
</tr>
<tr>
<td>清洁技术</td>
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<tr>
<td>中国政府</td>
<td>继续为新建和改造绿色和节能建筑设定目标并提供优惠政策和激励措施。</td>
<td>有所进展</td>
<td>进一步和美中能源合作项目合作开展试点项目，允许美国企业能与境内国有和私营企业一样公平地参与清洁能源技术创新和市场开发。</td>
</tr>
<tr>
<td>美国政府</td>
<td>考虑在中美清洁能源联合研究中心（CERC）之外建立新的、多样化的资助机制，为中小企业和初创公司在中国市场寻找更多机会。支持多元投资和咨询平台，既保障多样化又突出专业性。</td>
<td>进展缓慢</td>
<td>继续为美中能源合作项目融资，支持在美国市场部署美国清洁技术和服务。[能源部、商务部、美国贸易开发署]</td>
</tr>
<tr>
<td>竞争法</td>
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<tr>
<td>中国政府</td>
<td>兑现中国在美国中贸商联委会上做出的承诺，发布明文规定，明确允许合格的外国律师（包括在外资律所工作的合格的中国律师）和法律顾问与本地法律顾问一同出席和参与三部委的会议和调查。</td>
<td>进展缓慢</td>
<td>兑现中国在美国中贸商联委会上做出的承诺，发布明文规定，明确允许合格的外国律师（包括在外资律所工作的合格的中国律师）和法律顾问与本地法律顾问一同出席和参与三部委的会议和调查。</td>
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<tr>
<td>合规</td>
<td></td>
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</tr>
<tr>
<td>中国政府</td>
<td>根据四中全会提出的目标，进一步推动法治进程，为外资和内资企业创造一个统一的、可预测的法律和监管环境。</td>
<td>有所进展</td>
<td>根据四中全会和“十三五”规划提出的目标，进一步推动法治进程，为外资和内资企业创造一个统一的、可预测的法律和监管环境。</td>
</tr>
<tr>
<td>美国政府</td>
<td>与中方开展双边对话，包括中美商贸联委会会议、战略与经济对话以及美中双边投资协定谈判，共同解决合规问题及合规政策的执行问题。</td>
<td>进展明显</td>
<td>与中方开展双边对话，包括中美商贸联委会会议、战略与经济对话以及美中双边投资协定谈判等，共同解决各种合规问题及合规政策的执行问题。</td>
</tr>
<tr>
<td>Chapter</td>
<td>2015 Recommendation</td>
<td>Progress Rating</td>
<td>2016 Recommendation</td>
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</tr>
<tr>
<td>Construction, Engineering, and Design</td>
<td><strong>Chinese Government</strong> Apply more flexibility when reviewing design and construction contracts filed with local authorities.</td>
<td>Low Progress</td>
<td><strong>Chinese Government</strong> Apply more flexibility when reviewing design and construction contracts filed with local authorities.</td>
</tr>
<tr>
<td>Cosmetics</td>
<td><strong>Chinese Government</strong> Focus on the trend toward global industry harmonization and the limitations of the “Cosmetic Supervision and Administration Rules” during its revision; Reduce technical barriers to trade to prevent trade disruptions and barriers against international cooperation.</td>
<td>Low Progress</td>
<td><strong>Chinese Government</strong> Promote industry development and innovation as basic rules of the Draft Revised Supervision Regulations.</td>
</tr>
<tr>
<td>Customs</td>
<td><strong>Chinese Government</strong> Strengthen and promote the “Implementation Plan of China Customs for Comprehensively Deepening Reform” and press forward such reforms as the “single window,” regional clearance integration, and paperless customs clearance.</td>
<td>Moderate Progress</td>
<td>Regularly consult with the business community on important concerns in accordance with the Trade Facilitation Agreement. [GAC]</td>
</tr>
<tr>
<td></td>
<td><strong>US Government</strong> N/A</td>
<td>N/A</td>
<td>Promote AEO/Customs Trade Partnership Against Terrorism recognition negotiations with China Customs.</td>
</tr>
<tr>
<td>Direct Sales</td>
<td><strong>Chinese Government</strong> Revise service center requirements from one per urban district to one per city and simplify the service center approval process.</td>
<td>Low Progress</td>
<td>Review and revise the Direct Sales Regulation, the Anti-Chuanxiao Regulation, and their associated administrative directives, bringing them in line with China’s WTO commitments, standard international practices, the 2013 Judicial Interpretation, and the business realities of the China market.</td>
</tr>
<tr>
<td>Electronic Payment Services</td>
<td><strong>Chinese Government</strong> Formulate market access regulations with reasonable requirements to allow international bank card clearing networks to provide RMB denominated services.</td>
<td>High Progress</td>
<td>Expedite the publication of the “Administrative Measures for BCCI” and the “Technical Requirements on Technology Infrastructure for BCCI.” [PBOC, CBRC]</td>
</tr>
<tr>
<td>Express Delivery Services</td>
<td><strong>Chinese Government</strong> Grant FIEs more opportunities to participate in the regulatory process based on the principal of transparency and provide timely feedback to industry recommendations by holding symposiums or through other channels.</td>
<td>Moderate Progress</td>
<td>Hold meetings and exchanges with international EDS providers to gain a deeper understanding of the specific challenges faced by our member companies. [SCLAO]</td>
</tr>
<tr>
<td>Food and Beverage</td>
<td><strong>Chinese Government</strong> Specify in the revision of the Food Safety Law that the producer of food products and not the retailer should assume primary responsibility in food safety incidents; Ensure regulators examine the entire supply chain.</td>
<td>High Progress</td>
<td>Continue to strengthen the development of testing organs, the professionalism of law enforcement officials, and the standardization of law enforcement in order to ensure the uniform and accurate interpretation and implementation of regulations nationwide; additionally, call for the establishment of a public channel and mechanism for communication between enterprises and legislative bodies and provide timely interpretations on the implementation of relevant legislation.</td>
</tr>
<tr>
<td>Government Procurement</td>
<td><strong>Chinese Government</strong> Address the significant remaining gaps in the revised GPA offer and accelerate negotiations toward accession to the GPA.</td>
<td>Low Progress</td>
<td>Focus on addressing the remaining gaps in China’s fifth revised GPA offer as identified in this chapter, and accelerate negotiations toward accession to the GPA in 2016. [MOFCOM, MOF, SASAC]</td>
</tr>
</tbody>
</table>
### 章节 2015年《白皮书》主要建议汇总 进展评价 2016年《白皮书》主要建议汇总

| 建筑、工程和设计 | | |
|------------------|------------------|
| **中国政府** | 部分取消审查已备案的设计和建筑合同同时应当更加灵活。 | 进展缓慢 | 部分取消审查已备案的设计和建筑合同同时应当更加灵活。 |

### 化妆品

| **中国政府** | 关注《条例》修订的兼容性和行业全球一体化发展的诉求，避免技术壁垒造成的贸易冲突和国际合作障碍。 | 进展缓慢 | 建议条例在四大基本原则的基础上还应加入推动行业发展与创新的原则。 |

### 海关

| **中国政府** | 加快推进海关全面深化改革实施方案的制定及落实，推进包括单一窗口、区域通关一体化改革、通关作业无纸化改革等各项改革。 | 有所进展 | 按照《贸易便利化协定》要求，就商界普遍关注的重要事项开展机制性的定期磋商活动。 |
| **美国政府** | | N/A | 积极推进和中国海关之间 AEO/CTPAT 双认证协定谈判。 |

### 直销

| **中国政府** | 将服务网点设立的要求从每个区 / 县修订为每个市，简化服务网点审批流程。 | 进展缓慢 | 修订《直销管理条例》、《禁止传销条例》以及配套法规，使之符合中国的入世承诺、国际惯例、2013 司法解释和中国市场的行业现状。 |

### 电子支付

| **中国政府** | 制定市场准入法规，设定合理要求，允许国际银行卡清算网络提供人民币业务。 | 进展明显 | 加快出台《国务院关于实施银行卡清算机构准入管理的决定》的实施细则以及相关的清算机构技术基础设施建设的技术要求。 |
| **中国人民银行, 银监会** | | | |

### 快递服务

| **中国政府** | 根据透明原则为外资企业提供更多参与法规制定过程的机会，通过举办研讨会或者其他渠道及时回应业界提出的建议。 | 有所进展 | 期待国务院法制办能够专门就国际快递领域的行业特点与企业进行座谈交流，深入了解行业特点。 |
| **国务院法制办** | | | |

### 食品饮料

| **中国政府** | 新食品安全法中规定食品生产经营者是食品安全第一责任人。确保监管部门对供应链全程实行监督检查。 | 进展明显 | 不断加强检测机构和执法队伍建设，提高执法人员专业水平，推进“清单式”标准化执法，以加强食品法规的一致性、准确解读与执行，并继续呼吁建立企业与立法部门沟通的公开渠道和机制，对于企业遇到的法规解读和执行层面的问题给予及时回应。 |

### 政府采购

<p>| <strong>中国政府</strong> | 根据本章提出的建议解决修改后的《政府采购协定》中出价清单仍然存在的显著差距。 | 进展缓慢 | 重点减少本章所讨论的中国第五份《政府采购协定》出价清单中仍然存在的差距，加快加入协议的谈判进程，力争于2016年加入《政府采购协定》。 |
| <strong>商务部, 财政部, 国资委</strong> | | | |</p>
<table>
<thead>
<tr>
<th>Chapter</th>
<th>2015 Recommendation</th>
<th>Progress Rating</th>
<th>2016 Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Healthcare Services, Medical Devices, and Pharmaceuticals</td>
<td></td>
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</tr>
<tr>
<td><strong>Chinese Government</strong></td>
<td>Reduce taxes for private hospitals and allow chain hospitals to consolidate tax reporting of mature and new facilities, at least for facilities in the same city.</td>
<td>Low Progress</td>
<td>Reduce taxes for private hospitals and allow chain hospitals to consolidate tax reporting of mature and new facilities.</td>
</tr>
<tr>
<td><strong>Medical Devices</strong></td>
<td>Adopt a risk-based approach for medical device clinical trials.</td>
<td>Low Progress</td>
<td>Adopt a risk-based approach to medical device clinical trials.</td>
</tr>
<tr>
<td><strong>Pharmaceuticals</strong></td>
<td>Put in place a quality grading system for the tendering process to enhance patient access to innovative and quality drugs.</td>
<td>Moderate Progress</td>
<td>Set up tiered product quality categories based on scientific criteria and internationally accepted standards, including a category for originators/referenced drugs with the highest price premium.</td>
</tr>
<tr>
<td>High-Tech Trade Promotion and Export Controls</td>
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<td></td>
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</tr>
<tr>
<td><strong>Chinese Government</strong></td>
<td>Conduct greater outreach to Chinese companies to promote the implementation of compliance programs and transparency as a way to obtain US high-tech strategic items.</td>
<td>Low Progress</td>
<td>Conduct greater outreach to Chinese companies to promote the implementation of compliance programs and transparency as a way to obtain US high-tech strategic items.</td>
</tr>
<tr>
<td><strong>US Government</strong></td>
<td>Support high-tech trade promotion initiatives in the US and China by providing funding, speakers, and support from the relevant policy makers and agency officials.</td>
<td>Moderate Progress</td>
<td>Support high-tech trade promotion initiatives in the US and China by providing funding, speakers, and support from the relevant policy makers and agency officials.</td>
</tr>
<tr>
<td>Human Resources</td>
<td></td>
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</tr>
<tr>
<td><strong>Chinese Government</strong></td>
<td>Establish or clarify mechanisms for foreign employees to receive benefits under China’s social insurance programs, or allow foreign employees to opt out of participation.</td>
<td>Low Progress</td>
<td>Establish or clarify mechanisms for foreign employees to receive benefits under China’s social insurance programs, or allow foreign employees to opt out of participation.</td>
</tr>
<tr>
<td>Information and Communications Technology</td>
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<tr>
<td><strong>Chinese Government</strong></td>
<td>Eliminate technology localization mandates and ensure that programs and measures designed to foster innovation and technology development in China are fair, non-discriminatory, transparent, open to foreign participation, and do not distort global markets.</td>
<td>Low Progress</td>
<td>Lift equity cap restrictions on FIEs and market entry barriers to the direct delivery of cloud services.</td>
</tr>
<tr>
<td><strong>Both Governments</strong></td>
<td>N/A</td>
<td>N/A</td>
<td>Actively implement the outcomes from the Xi-Obama state visit, including those regarding the development of appropriate norms of state behavior in cyberspace and refraining from cyber-enabled theft of IP.</td>
</tr>
<tr>
<td>Insurance</td>
<td></td>
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<tr>
<td><strong>Chinese Government</strong></td>
<td>Put into practice the review and approval of branch applications by foreign-invested insurers in the same manner and at the same pace as applications by domestically invested insurers.</td>
<td>Moderate Progress</td>
<td>Put into practice the review and approval of branch applications by foreign-invested insurers in the same manner and at the same pace as applications by domestically invested insurers.</td>
</tr>
<tr>
<td>Intellectual Property Rights</td>
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<tr>
<td><strong>Chinese Government</strong></td>
<td>Make the filing of a trademark in bad faith a clear basis of invalidating trademarks filed by third parties.</td>
<td>Low Progress</td>
<td>Make the filing of a trademark in bad faith a clear basis for invalidating trademarks filed by third parties, and make it available regardless of the level of fame associated with the pirated mark.</td>
</tr>
<tr>
<td><strong>US Government</strong></td>
<td>Share best practices from US Federal and State trade secret laws and national trade secret strategy.</td>
<td>High Progress</td>
<td>Share best practices from US federal and state trade secret laws and national trade secret strategy.</td>
</tr>
<tr>
<td>Investment Policy</td>
<td></td>
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<tr>
<td><strong>Chinese Government</strong></td>
<td>Continue to seek and actively consider input from the foreign business community regarding foreign investment management system reform initiatives nationwide and in the various FTZs under development, and regarding proposed revisions to the draft Foreign Investment Law.</td>
<td>Moderate Progress</td>
<td>Rapidly pursue substantial and actionable openings that will allow foreign investors to expand their operations in China.</td>
</tr>
<tr>
<td><strong>Both Governments</strong></td>
<td>N/A</td>
<td>N/A</td>
<td>Pursue the rapid completion of a high-standard BIT that ensures the intended benefits of the treaty can be reached within China’s unique market.</td>
</tr>
<tr>
<td>章节</td>
<td>2015年白皮书主要建议汇总</td>
<td>进展评价</td>
<td>2016年白皮书主要建议汇总</td>
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<tr>
<td>医疗服务、医疗器械和医药</td>
<td></td>
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<tr>
<td>中国政府</td>
<td>降低私立医疗机构的纳税税率，允许连锁医疗机构合并现有成熟医疗点和新设医疗点的税收报表，至少允许位于同一城市的两个医疗点这样处理。</td>
<td>进展缓慢</td>
<td>降低私立医院税费，允许连锁医院对新老医疗机构合并报告。</td>
</tr>
<tr>
<td></td>
<td>对医疗器械临床试验采取基于风险的做法。</td>
<td>进展缓慢</td>
<td>采用基于风险的医疗器械临床试验方法。</td>
</tr>
<tr>
<td></td>
<td>设立招标过程的质量分级制度，提高患者获取创新性高质量药物的能力。</td>
<td>有所进展</td>
<td>在药品招标过程中，依照科学标准和国际通行准则，实施质量分级，并将新药单独设立一个质量层次。</td>
</tr>
<tr>
<td>高科技贸易促进和进口管制</td>
<td></td>
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<tr>
<td>中国政府</td>
<td>加大和中国企业的合作从而促进企业合规计划的实施和提高透明度，籍此获得美国的高科技战略产品。</td>
<td>进展缓慢</td>
<td>加强与中国企业的沟通，从而促进企业合规计划的实施和提高透明度，籍此获得美国的高科技战略产品。</td>
</tr>
<tr>
<td>美国政府</td>
<td>通过提供资金，发言人，并由相关政策制定部门和机构的官员给予支持，从而推进美中高科技贸易的倡议。</td>
<td>有所进展</td>
<td>通过提供资金，发言人，并由相关政策制定部门和机构的官员给予支持，从而推进美中高科技贸易的倡议。</td>
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<tr>
<td>人力资源</td>
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<tr>
<td>中国政府</td>
<td>在中国社保体系中建立或明确外籍雇员享受福利制度，或者允许外籍雇员不参加社保。</td>
<td>进展缓慢</td>
<td>在中国社保体系中建立或明确外籍雇员享受福利制度，或者允许外籍雇员不参加社保。</td>
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<tr>
<td>信息通讯技术</td>
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<tr>
<td>中国政府</td>
<td>取消技术本地化要求，允许外国企业在公平、非歧视、透明和开放的基础上参与旨在促进中国创新和技术发展的项目和措施。</td>
<td>进展缓慢</td>
<td>上调外商投资企业的股本上限，减少市场进入障碍，以便直接交付云服务。</td>
</tr>
<tr>
<td>两国政府</td>
<td>N/A</td>
<td>N/A</td>
<td>积极落实习主席与奥巴马总统国事访问期间的成果，包括制定相应的网络空间国家行为规范，打击知识产权网络剽窃行为。</td>
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<tr>
<td>保险</td>
<td></td>
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</tr>
<tr>
<td>中国政府</td>
<td>外资保险公司申请设立分支机构时，在审批手续和审批进度上应享受和内资保险公司同等的待遇。</td>
<td>有所进展</td>
<td>外资保险公司申请设立分支机构时，在审批手续和审批进度上应享受和内资保险公司同等的待遇。</td>
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<tr>
<td>知识产权</td>
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<tr>
<td>中国政府</td>
<td>将恶意抢注商标作为判定第三方申请商标无效的明确依据。</td>
<td>进展缓慢</td>
<td>将恶意抢注商标作为判定第三方申请商标无效的明确依据，并且无论被剽窃商标的知名度如何，都以此为依据。</td>
</tr>
<tr>
<td>美国政府</td>
<td>分享美国联邦和各州的有关商业秘密法律以及美国国家商业秘密战略方面的最佳实践。</td>
<td>进展明显</td>
<td>分享美国联邦和各州的有关商业秘密法律以及美国国家商业秘密战略方面的最佳实践。</td>
</tr>
<tr>
<td>投资政策</td>
<td></td>
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<tr>
<td>中国政府</td>
<td>继续就全国和各筹建自贸区的外国投资管理制度改革计划、《外国投资法》草案的修订工作，征求并积极考虑外资企业的意见。</td>
<td>有所进展</td>
<td>尽快推进切合实际的开放性政策，允许外国投资者扩大在中国的业务。</td>
</tr>
<tr>
<td>两国政府</td>
<td>N/A</td>
<td>N/A</td>
<td>争取尽快达成一个高标准的双边投资协定，确保协定的预期利好能够在中国这个独一无二的市场实现。</td>
</tr>
<tr>
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<tr>
<td>Legal Services</td>
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<tr>
<td>Chinese Government</td>
<td>Revise current regulations to allow foreign law firms to hire and admit to their partnerships PRC-qualified lawyers and not require them to give up their PRC lawyer’s license when they join a foreign law firm.</td>
<td>Low Progress</td>
<td>Revise current regulations to allow foreign law firms to hire and admit to their partnerships PRC-qualified lawyers and not require them to give up their PRC lawyer’s license when they join a foreign law firm.</td>
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<tr>
<td>Machinery Manufacturing</td>
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<tr>
<td>Chinese Government</td>
<td>Eliminate restrictions on foreign investment in the machinery manufacturing industry and provide equal treatment to both domestically and foreign-invested companies.</td>
<td>Low Progress</td>
<td>Eliminate restrictions on foreign investment in the machinery manufacturing industry and provide equal treatment to both domestically and foreign-invested enterprises.</td>
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<tr>
<td>Media and Entertainment</td>
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<tr>
<td>Chinese Government</td>
<td>Reduce non-tariff barriers to entry for all types of foreign media and minimize market access barriers for foreign media providers, including media censorship and control. In particular, reclassify foreign investment in media and entertainment from “restricted” to “permitted” and increase all quotas for foreign films.</td>
<td>Low Progress</td>
<td>Reduce non-tariff and market access barriers to entry for all types of foreign media and entertainment. Increase and then remove all quotas for foreign films.</td>
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<tr>
<td>Northeast China</td>
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<tr>
<td>Liaoning Government</td>
<td>Further engage with foreign businesses to discuss the regulatory and operational challenges faced in the region and practical solutions moving forward.</td>
<td>Moderate Progress</td>
<td>Create a scheduled plan for further engagement with foreign businesses to discuss the regulatory and operational challenges they face in the region, and find practical solutions for addressing the top challenges presented in this chapter.</td>
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<tr>
<td>Oil and Gas, Energy, and Power</td>
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<tr>
<td>Chinese Government</td>
<td>Make concrete plans (including a time table and specific steps/milestones) to open upstream acreage/resources to all types of investors – including foreign companies and Chinese private investors. In the near term, provide specific and practical guidelines for foreign investors to participate in the exploration and production of unconventional resources.</td>
<td>Moderate Progress</td>
<td>Strengthen the application of regulations on tendering and bidding activities to ensure a level playing field. [NDRC]</td>
</tr>
<tr>
<td>US Government</td>
<td>Relevant US government agencies, including the Department of State, Department of Energy, and Department of Commerce, should engage their Chinese counterparts to lobby for open acreage and resource access in China for IOCs.</td>
<td>Low Progress</td>
<td>N/A</td>
</tr>
<tr>
<td>Real Estate</td>
<td></td>
<td></td>
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<tr>
<td>Chinese Government</td>
<td>Regulatory authorities should work with the real estate industry to deliver robust and timely market data, analysis, and information, in keeping with national initiatives already underway.</td>
<td>Low Progress</td>
<td>Promote a transparent and equitable market to ensure healthy competition and sustainability over the long term.</td>
</tr>
<tr>
<td>Retail and E-Commerce</td>
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<tr>
<td>Chinese Government</td>
<td>Regulate the retail industry, in all its business formats, under the same regulatory system, using consistent enforcement standards nationwide.</td>
<td>Moderate Progress</td>
<td>Regulate the retail industry, including all business formats, under a unified regulatory system and consistently enforce standards across China.</td>
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<tr>
<td>Shanghai</td>
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<tr>
<td>Shanghai Government</td>
<td>Reduce the number of restrictions on the negative list for the Shanghai FTZ and further engage the American business community on ways it can help drive the reform process.</td>
<td>Moderate Progress</td>
<td>Introduce significant financial service, administrative, and trade facilitation reforms in the China (Shanghai) Pilot Free Trade Zone and reduce restrictions in the negative list that constitute market access barriers, especially in the services area.</td>
</tr>
<tr>
<td>章节</td>
<td>2015年白皮书主要建议汇总</td>
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<td>2016年白皮书主要建议汇总</td>
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<tr>
<td><strong>法律服务</strong></td>
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<tr>
<td>中国政府</td>
<td>修改现行法律法规，允许外国律师事务所雇用中国执业律师并任用其为合伙人，不再要求中国执业律师在加入外国律师事务所时放弃执业证。</td>
<td>进展缓慢</td>
<td>修改现行法律法规，允许外国律师事务所雇用中国执业律师并任用其为合伙人，不再要求中国执业律师在加入外国律师事务所时放弃执业证。</td>
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<tr>
<td><strong>机械制造业</strong></td>
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<tr>
<td>中国政府</td>
<td>取消对外资企业投资机械制造业的限制，并给予外资与内资企业同等待遇。</td>
<td>进展缓慢</td>
<td>取消对外资企业投资机械制造产业的限制，给予内外资企业同等待遇。</td>
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<td><strong>传媒娱乐</strong></td>
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<tr>
<td>中国政府</td>
<td>减少各类外国媒体进入中国市场的非关税壁垒，减少外国媒体提供商的市场准入壁垒，包括媒体审查与控制。特别是将媒体与娱乐业的外国投资由“限制”改为“允许”，增加外国电影的整体配额。</td>
<td>进展缓慢</td>
<td>减少各类外国媒体进入中国市场的非关税壁垒，减少外国媒体提供商的市场准入壁垒。增加外国电影的整体配额，并逐渐取消配额限制。</td>
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<tr>
<td><strong>中国东北</strong></td>
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<tr>
<td>辽宁省政府</td>
<td>继续邀请外企参与讨论该地区经商所面临的法律和运营挑战，共商具有操作性的解决方案。</td>
<td>有所进展</td>
<td>制定与外资企业讨论在该地区所面临的监管和经营挑战的计划，找到这一章节中提到的主要挑战的解决方案。</td>
</tr>
<tr>
<td><strong>石油、能源和电力</strong></td>
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<tr>
<td>中国政府</td>
<td>制定关于向包括外资企业和中资企业在内的各类投资者开放上游区块/资源的具体计划（包括时间表和具体步骤以及重大节点）。近期内针对外国投资者参与非常规资源勘探的开发制定具体可行的办法。</td>
<td>有所进展</td>
<td>加强相关法规在招投标活动中的落实，以确保建立公平的竞争环境。 [国家发改委]</td>
</tr>
<tr>
<td>美国政府</td>
<td>包括国务院、能源部和商务部在内的美国相关政府部门应积极与中国对口部门联络，游说对国际石油公司开放更多油气区块和资源。</td>
<td>进展缓慢</td>
<td>N/A</td>
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<tr>
<td><strong>房地产</strong></td>
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<tr>
<td>中国政府</td>
<td>监管机构应与房地产行业协作以提供详实及时的市场数据、分析资料和信息，从而与已经开展的国家举措保持同步。</td>
<td>进展缓慢</td>
<td>提升市场透明度和公平度，确保市场健康竞争和长期可持续发展。</td>
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<tr>
<td><strong>零售业和电子商务</strong></td>
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<tr>
<td>中国政府</td>
<td>将各种形式的零售业务模式纳入统一的监管体系，实行全国统一的执行标准。</td>
<td>有所进展</td>
<td>在全国范围内对零售业，包括所有经营模式，采用统一监管制度，实施持续稳定的标准。</td>
</tr>
<tr>
<td><strong>上海</strong></td>
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<tr>
<td>上海市政府</td>
<td>减少中国（上海）自由贸易试验区负面清单中的限制，提高外资企业助力改革进程的参与度。</td>
<td>有所进展</td>
<td>在中国（上海）自由贸易试验区出台重要的金融服务、行政和贸易便利化改革措施，减少负面清单中构成市场准入障碍的限制，尤其是在服务领域。</td>
</tr>
</tbody>
</table>
## Standards, Certification, and Conformity Assessment

| Chinese Government | Broaden recognition of international SDOs beyond the ISO, IEC, and ITU to any organization which follows the WTO/TBT principles on international standards development. | Moderate Progress | Broaden recognition of international SDOs beyond the ISO, IEC, and ITU to any organization which follows the WTO/TBT principles on international standards development. |

## Tax Policy

| Chinese Government | The SAT should increase the number of employees in its Anti-avoidance Division. | Low Progress | Provide taxpayers and tax authorities at all levels with detailed guidance on the implementation of Public Notice 16. |

## Tianjin

| Tianjin Government | Provide a clear roadmap for Tianjin’s role in the regional integration strategy with Beijing and Hebei province, including a strategic plan to endorse certain sectors in which Tianjin has or can gain competitive advantage, such as service industries, in the broader region. | Moderate Progress | Market Tianjin to foreign investors through the use of a professional PR agency and by coordinating with foreign business chambers as first steps in order to help address the challenges of 2015, including the slowdown of economic growth and general market instability. |

## Visa Policy

| Chinese Government | Shorten the holding period of passports by the PSB when processing residence permits from 15 to five working days. | Moderate Progress | Shorten the holding period of passports by the PSB when processing residence permits from 10 to five working days. |

| US Government | Add at least four visa-issuing posts in China. | Low Progress | Add at least four additional visa-issuing posts in China. |

## Work Safety

| Chinese Government | Place high attention on work safety issues emerging as a product of accelerated urbanization, prioritizing aerial work safety in all industrial sectors, particularly the construction industry. | Low Progress | Continue to emphasize work safety legislation and enforcement at the highest government levels with a focus on work at height. |

| US Government | Collaborate with the Chinese government and industry experts in sharing the latest laws and regulations for work at height. | Low Progress | Facilitate the sharing of the most recent work at height laws and regulations in the US (e.g., the 2016 revisions of the ANSI work at height standards) with the Chinese government, and continue to advocate through the SCWSC and SAWS for a consistent set of work at height standards across industries. |

## Wuhan

| Hubei and Wuhan Governments | Provide transparent and equal enforcement of government rules and regulations. | Low Progress | Provide more transparent and uniform enforcement of government rules and regulations. |

| US Government | Increase the services available to both US and Chinese citizens at the US Consulate in Wuhan. | Moderate Progress | Increase the services available to both US and Chinese citizens at the US Consulate General in Wuhan. |
### 标准、认证和许可

**中国政府**
- **主要建议**：扩大对国际标准组织的认证范围，从ISO、IEC和ITU扩大至其他遵循世界贸易组织贸易技术壁垒协议（WTO/TBT）关于国际标准制定原则的标准制定组织。
- **进展评价**：有所进展
- **2016年白皮书主要建议汇总**：扩大对国际标准组织的认证范围，从ISO、IEC和ITU扩大至其他遵循世界贸易组织贸易技术壁垒协议（WTO/TBT）关于国际标准制定原则的标准制定组织。

### 税收政策

**中国政府**
- **主要建议**：国家税务总局应增加反避税处工作人员数量。
- **进展评价**：进展缓慢
- **2016年白皮书主要建议汇总**：向纳税人和各级税务机关提供第16号公告实施细则。

### 天津

**天津市政府**
- **主要建议**：制定一套清晰的路线图，锁定天津在京津冀区域一体化战略中的作用，包括支持服务业等天津具有或者能够获得竞争优势的产业在该地区发展的战略计划。
- **进展评价**：有所进展
- **2016年白皮书主要建议汇总**：首先，通过专业公关机构向外国投资者推介天津，与外国商会协调行动，共同应对2015年面临的包括经济增长放缓和市场普遍存在不稳定等因素的挑战。

### 签证政策

**中国政府**
- **主要建议**：把公安机关处理居留许可时留存申请人护照的期限从15天缩短为5个工作日。
- **进展评价**：进展缓慢
- **2016年白皮书主要建议汇总**：将公安管理部门受理居留许可申请的时间从10个工作日缩短至5个工作日。

**美国政府**
- **主要建议**：中国至少再增加四处签证申发地。
- **进展评价**：有所进展
- **2016年白皮书主要建议汇总**：在中国至少增设四个签证签发点。

### 安全生产

**中国政府**
- **主要建议**：高度关注城镇化过程中的安全生产问题，重点是加强建筑行业和工业行业领域的高空作业安全管理。
- **进展评价**：进展缓慢
- **2016年白皮书主要建议汇总**：继续强化安全生产立法和执法，重点关注高处作业安全立法和执法。

**美国政府**
- **主要建议**：与中国政府和行业专家进行合作，分享最新的高空作业法律和法规。
- **进展评价**：进展缓慢
- **2016年白皮书主要建议汇总**：进一步与中国政府分享美国最新的高处作业安全法律（如2016年新修订的美国国家标准学会高处作业标准），并继续通过中国国家安委会和国家安监总局建议建立一套跨行业的高处作业安全统一标准。

### 武汉

**湖北省与武汉市政府**
- **主要建议**：实现透明而平等的政府法规执行。
- **进展评价**：进展缓慢
- **2016年白皮书主要建议汇总**：提高政府法规执行的透明度和一致性。

**美国政府**
- **主要建议**：扩大美国驻武汉总领事馆对美国和中国公民的服务范围。
- **进展评价**：有所进展
- **2016年白皮书主要建议汇总**：扩大美国驻武汉总领事馆对美国和中国公民的服务范围。
AmCham China 2016 White Paper Summary

Policy Priorities by Industry

The 18th edition of AmCham China's American Business in China White Paper analyzes developments in China's business environment through the lens of 20 industries, 13 cross-sector issues, and six regions of the country. Each chapter encapsulates the broad range of concerns that our member companies face in their China operations. This summary seeks to distill and highlight the key messages of the 2016 White Paper as they align with our overarching policy priorities for the year.

In 2016, we will focus our advocacy efforts on the assurance of fairness and transparency, development of a dynamic and open investment environment, and promotion of fair and market-based innovation. This summary applies the framework of these three overarching priorities to the 20 industries featured in the 2016 White Paper, highlighting our members' specific concerns and recommendations in these areas.

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## AmCham China 2016 Policy Priorities

### Agriculture

- Increase influence on international agricultural markets by reforming the TRQ system and publishing grain reserve data.
- Improve the speed, fairness, and transparency of the agricultural equipment subsidy registration process for the MOA’s equipment procurement catalogue at both the national and provincial levels.
- Enhance the fairness and transparency of the equipment subsidy compliance investigation process by communicating with affected parties prior to making nationwide “compliance investigation” announcements.

### Dynamic and Open Investment Environment

- Implement further market opening in the services and consumer sectors prior to the completion of US-China BIT negotiations to foster greater growth.
- Prioritize negotiation of a robust US-China BIT with a short negative list, narrowly crafted exceptions, and text that ensures the full benefits of the treaty can be effectively reached within China’s unique market.

### Fair and Market-based Innovation

- Expressly welcome FiEs as equal participants in ongoing initiatives including “Made in China 2025.”
- Remove requirements for IP localization and allow foreign companies to participate in standards development organizations on an equal basis with domestic companies.
- Build upon the progress made in improving the IPR environment by expanding IP courts and developing a comprehensive trade secrets law.

### Fairness and Transparency

- Implement across the board the multiple commitments for 30-day notice and comment periods on draft laws and regulations, regardless of how the regulations are labeled.
- Improve transparency by releasing formal findings and case histories of anti-monopoly-related investigations.
### Automotive Industry

- To ensure rule of law, establish a transparent automotive policy development and project approval mechanism that:
  - engages and treats FIEs and their domestic counterparts equally,
  - ensures public sharing of policy proposals,
  - seeks industry input,
  - provides adequate lead time for industry to adjust to new regulations prior to their implementation, and
  - defines and clarifies key concepts, requirements, roles, and responsibilities to ensure consistent implementation across the board.

- Harmonize regulations in conflict with the 2015 opening of the after-sales service industry to foreign investment.
- Revise the "Catalogue of Used Machinery Products Prohibited from Import" and the "Machinery Product Import Administration Rules" to allow import of used vehicles and parts for R&D.
- Harmonize ELV policy implementation measures with relevant international regulations and standards.
- Accept international testing and certification documents for lithium-ion batteries that comply with the UN Manual of Tests and Criteria Section 38 or allow domestic laboratories to validate non-Chinese test reports.
- Grant FIEs equal treatment in NEV subsidy programs.

- Ensure that any revisions to China’s automotive standards focus on their alignment with international standards.
- Consider the level of industry development and the overall market environment when adopting international rules or developing unique standards and allow enough lead time for businesses to make adjustments and ensure compliance.
- Further strengthen IPR protection and effectively address counterfeit products and liability of infringement.

### Banking and Capital Markets

- Promote consistent interpretation and implementation of guidelines and directives through greater coordination across all levels and authorities and better training of local officials.
- Consult with industry and provide a 30-day comment period before finalizing regulations on secure and controllable technology.
- Clarify regulatory expectations and reduce the number of verbal “window guidances” (e.g., RMB interest rate controls, the suspension of banks’ cross-border business).
- Promote transparency by issuing reforms that protect investors’ rights and encourage healthy competition in the credit ratings industry, including full international credit rating agency coverage of domestic bond markets.

- Fully and expeditiously liberalize foreign investment in the securities sector, prior to concluding US-China BIT negotiations.
- Remove technical barriers that prevent US banks from entering the inter-bank bond market, including the Panda Bond market, and allow US banks to provide OTC commodities derivatives to Chinese clients.
- Revise the underwriter application scoring mechanism to include the business volume of foreign banks’ offshore parent companies when considering business capacity. [NAFMII]
- Remove or ease foreign ownership restrictions on foreign-affiliated CRAs.

- Adopt conduct rules consistent with international standards to further encourage foreign participation and boost innovation in financial services.
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<th>Civil Aviation</th>
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<td><strong>Fairness and Transparency</strong></td>
<td><strong>Market-based Transparency</strong></td>
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<tr>
<td>- Ensure consistent interpretation of product inspection requirements for aircraft deliveries to Chinese airlines and airworthiness safety processes, that PMA rules and guidance address assessment of design changes that create untested operating configurations at the system level to ensure compliance, and greater enforcement of China’s dangerous goods regulations on manufacturers and shippers.</td>
<td>- Require transparency in the approval process for renewable energy projects to ensure fairness and promote competition.</td>
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<tr>
<td>- Provide air carriers access to domestic aeronautical information to create the required charts and maps to support safe flight throughout China.</td>
<td>- Ensure the equal enforcement of policies for both domestic and international companies at the local level in order to promote the development of fair and transparent markets.</td>
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<tr>
<td>- Increase CAAC staffing to provide official English translations of relevant documentation to ensure supplier compliance.</td>
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<tr>
<td><strong>Dynamic and Open Investment Environment</strong></td>
<td><strong>Dynamic and Open Investment Environment</strong></td>
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<tr>
<td>- Reduce the import duty and VAT on GA aircraft to a level consistent with that imposed on transport aircraft; eliminate any proposed consumption tax.</td>
<td>- Support market price reform and open bidding access to electric markets in order to eliminate inefficiency/waste.</td>
</tr>
<tr>
<td>- Liberalize airspace at all altitudes.</td>
<td>- Reduce tariffs on renewable energy and emissions control equipment to promote freer trade in environmental goods among all EGA members.</td>
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<td>- Improve and integrate GA access to commercial airports and support competition among FBOs with standards for fueling and maintenance facilities.</td>
<td>- Introduce feed-in tariffs for solar thermal projects and new subsidies for energy storage.</td>
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<tr>
<td>- Support the development of Beijing, Shanghai, and Guangzhou as true hub airports and implement more efficient hubbing operations and code-share cooperation.</td>
<td>- Support equal access and “national treatment” for US renewable energy development and equipment companies to promote competition and achieve better lifecycle performance.</td>
</tr>
<tr>
<td>- Repeal the policy barring the award of new day-time landing and take-off slots for all-cargo operators at major hub airports and the policy against co-terminal operations between these airports.</td>
<td>- Support green bonds and other financing mechanisms for US corporations wanting to install solar, wind, and energy storage at their facilities in China.</td>
</tr>
<tr>
<td><strong>Fair and Market-based Innovation</strong></td>
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</tr>
<tr>
<td>- Continue the effective utilization of efficiency-boosting NextGen and SES-AR procedures and technologies and develop plans to encourage their system-wide use.</td>
<td>- Allow foreign companies investing in clean technology R&amp;D in China to participate in the “863” and other innovation programs.</td>
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<tr>
<td>- Align practices with other regulatory bodies around the world. [CAAC]</td>
<td>- Ensure protection of IPR to support technology transfer into China and domestic innovation.</td>
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<td>- Remove Article 14 of the draft Patent Law to avoid inconsistency with Article 55 of the Antitrust Law and promote technology development in and technology transfer to China.</td>
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<td></td>
<td>- Improve standards and mandates for energy efficiency retrofits of green buildings.</td>
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<tr>
<td>Construction, Engineering, and Design</td>
<td>Cosmetics</td>
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<td>--------------------------------------</td>
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<tr>
<td>• Allow use of non-standard forms of contract as permitted under the Contract Law.</td>
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<tr>
<td>• Formally issue regulations clarifying qualifications required to undertake EPC contracting.</td>
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<tr>
<td>• Clarify the requirements for non-FICEs/FIDEs to qualify as providers of project management services.</td>
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<tr>
<td>• Expand nationwide the PFTZ reforms allowing WFOE FICEs to undertake non-foreign-funded projects.</td>
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<tr>
<td>• Allow qualified FIDEs to apply directly for a Grade A DQ without first obtaining a Grade B DQ.</td>
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<tr>
<td>• Permanently revise Circular 18 to eliminate the requirements that FIDE staff must be at least 25% foreign and that foreign staff must reside in China for at least 6 months per year.</td>
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<tr>
<td>• Allow internationally accepted standard financial instruments to satisfy capital requirements for establishing a FICE in China.</td>
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</tbody>
</table>

| • Implement policies to enable FIE participation in green building and energy efficiency. |
| • Streamline administration and delegate pre-approval power to lower levels of government; focus management on raw materials and products with special functions. |
| • Cancel the cosmetic manufacturing licensing system and implement a supervisory system that integrates cosmetic enterprise information reporting, mandatory implementation of GMPs, and random daily inspections. |
| • Follow international practices in the management of labeling and efficacy claims. |
| • Expedite ongoing reforms, simplify the recording process for imported non-special cosmetics before final revision of the Draft Revised Supervision Regulations, and set more rational requirements for market access. |

<p>| • Promote industry development and innovation as basic rules of the Draft Revised Supervision Regulations. |
| • Continue to explore and raise understanding of the patterns of cross-border e-commerce before rolling out cosmetics regulations in order to more effectively implement the “Internet +” strategy. |
| • Adopt innovative policies to manage bonded cross-border imports of cosmetics purchased online. |</p>
<table>
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<tr>
<th></th>
<th>Direct Sales</th>
<th>Electronic Payment Services</th>
</tr>
</thead>
</table>
| **Fairness and Transparency**  | • Remove discriminatory practices to create a fair business environment that treats the direct sales industry the same as all other industries in terms of market access and licensing requirements.  
• Review existing cross-border e-commerce policies and ensure fair competition between brand owners, investors, and e-commerce operators. | • Expedite publication of the “Administrative Measures for BCCI” and the “Technical Requirements on Technology Infrastructure for BCCI.” |
| **Dynamic and Open Investment Environment** | • Relax restrictions on compensation calculations and group-based compensation, direct sales agent training, product category restrictions, and limits on the sale of OEM products.  
• Allow provision of nominal recruitment fees. | • Lift price controls in the long run, in line with the movement towards a market-driven economy.  
• Allow FIEs to obtain licenses permitting them to engage in online payment services and do not require them to partner with domestic 3PP providers in order to launch new payment-related products. |
| **Fair and Market-based Innovation** | • Review and revise the Direct Sales Regulation, the Anti-Chuanxiao Regulation, and their associated administrative directives, bringing them in line with China’s WTO commitments, standard international practices, the 2013 Judicial Interpretation, and the business realities of the China market in order to promote the adoption of innovative business models. | • Include EMV contactless payment when upgrading domestic acceptance of contactless payment.  
• Standardize requirements across regional customs agencies and simplify reporting of payments, logistics, and product information for cross-border transactions.  
• Optimize bank card fee structures and avoid further fee reductions to encourage investment in an innovative and secure payment ecosystem. |
### Express Delivery Services

- Work with industry when promulgating new standards to create a mechanism for consistent interpretation and implementation by law enforcement and regulatory authorities nationwide.

- Hold meetings and exchanges with international EDS providers to gain a deeper understanding of their specific market access and operational challenges and provide opportunities for industry to discuss recent draft regulations with relevant officials.

- Allow industry to meet with regulatory authorities before drafting new standards and carefully research the reasonableness and ease of compliance with security regulations in order to prevent disruption to, and increase in cost of, normal business operations.

- Implement the express delivery coding regulation as a recommended industry standard rather than a compulsory administrative requirement to provide industry the freedom to decide whether or not to adopt this standard.

### Food and Beverage

- Continue to strengthen guidance for local law enforcement teams to ensure the uniform and accurate interpretation and implementation of regulations nationwide.

- Improve the mechanisms and channels for enterprises to lodge complaints and have their problems resolved.

- Strengthen the professional training of law enforcement officials, harmonize law enforcement procedures across regions, and enhance the standardization of law enforcement at the local level to address law enforcement conflicts between grassroots administrations.

- Further improve management of food safety standards and strengthen harmonization with non-food safety standards.

- Establish a joint working mechanism by forming a cross-departmental task force to address the lack of national standards on imported foods and raw food materials.

- Further streamline national, local, and industry standards to minimize contradictions and reduce redundancies.

- Address incompatibilities between food safety standards and processing regulations.
### Healthcare Services, Medical Devices, and Pharmaceuticals

- Issue clear and universal interpretations for regulations and policies and further train local officials to ensure consistent enforcement.
- Establish a transparent and online national bidder registration system to avoid hospital re-negotiations and duplicative qualification reviews; transparently collect and analyze data to formulate procurement registration mechanisms that avoid overly high rates of elimination; clarify the definition of domestic product.
- Address the limited number of sufficiently knowledgeable reviewers, rigid clinical trial requirements that are inconsistent with international practices, unclear submission guidelines, and the disproportionately high risk classification of Class III products.

### Information and Communications Technology

- Adopt transparent regulatory approaches to cross-border flows of digital data and technologies and refrain from measures that restrict the legitimate flow of data across borders or link commercial benefit to local investment.
- Apply the S&ED commitment to ensure that any future bank ICT regulations will be nondiscriminatory, not impose nationality-based requirements, and be developed in a transparent manner; similarly apply this commitment to cyber security regulations in the telecom and insurance industries and to any further revisions to the Cybersecurity Law.

### Dynamic and Open Investment Environment

- Remove caps on foreign ownership of private healthcare enterprises.
- Encourage healthcare sector participation in all health payment system reforms to avoid the exclusion of technologies that meet market conditions.
- Adopt a scientific evaluation system according to the principles of “quality first, reasonable price, and appropriate performance-to-price ratio.”
- Transparently survey diverse medical market conditions and set purchase price limits according to actual market prices that consider relevant factors (e.g., purchase quantity, payment period, purchase period).
- Clarify provincial procurement procedures for new products and set product characteristic-based timelines.

### Fair and Market-based Innovation

- Adopt a risk-based approach to medical device clinical trials.
- Use the 2012 Standard as a guideline for medical service payments; separately price products of determined quality and safety.
- Replace the two-envelope central procurement model for high-value products with a transparent “quality first, reasonable price” standardized bidding model.
- Set up tiered product quality categories based on internationally accepted standards.
- Establish scientific evaluation methodologies for drug quality consistency, including in-vitro dissolution testing, GMP compliance, and pharmaco/bio-equivalence studies.
- Clearly define new drugs in line with international standards and practices.

### Fair and Transparency

- Further open ICT-related SDOs to full FIE participation with transparent participation guidelines to ensure wide acceptance and support for resulting standards.
- Remove restrictions and mandatory testing requirements for ICT products sold into all MLPS levels to meet unique Chinese standards.
- Eliminate technology localization mandates and ensure that programs and measures designed to foster innovation and technology development in China are fair, non-discriminatory, transparent, open to foreign participation, preserve interoperability and openness, and do not distort global markets.
### Insurance
- Observe the minimum 30-day comment period to which the Chinese government has committed when introducing draft regulations for public comment. [CIRC]
- Put into practice the review and approval of branch applications by foreign-invested insurers in the same manner and at the same pace as applications by domestically invested insurers.
- Establish a separate department in CIRC to regulate health insurance at the same level as the life insurance and property insurance departments.
- Allow insurance asset management companies to be established by a single founding shareholder in accordance with the Company Law.
- Expressly remove all limits on the number of insurance companies whose products may be sold by commercial bank branches.
- Establish a separate department in CIRC to regulate health insurance at the same level as the life insurance and property insurance departments.
- Further open the channel of Internet insurance by allowing more types of insurance products to be sold online nationwide.
- Lift the 50 percent cap on foreign ownership of life insurers.

### Legal Services
- Provide foreign law firms with treatment equivalent to that of PRC law firms for domestic income tax purposes.
- Allow foreign law firms to hire foreign non-legal professionals, improve the procedures for registering and transferring representatives, increase the length of time visas are valid for representatives, and decrease work permit approval times.
- Clearly provide in regulation that foreign lawyers are permitted to participate in all meetings between their clients and Chinese government departments.
- Simplify the requirements, eliminate the unpredictability, and reduce the review period for the establishment of representative offices as well as the opening of additional offices.
- Revise current regulations to allow foreign law firms to hire and admit to their partnerships PRC-qualified lawyers without requiring them to give up their PRC lawyer's license when they join a foreign law firm.
- Remove the requirement that Chinese lawyers employed by foreign law firms in the pilot free trade zones suspend their Chinese bar membership.

### Fairness and Transparency
- Clearly define new drugs in line with international standards and practices.
- Bio-equivalence studies, including in-vitro dissolution testing, GMP compliance, and pharmacodynamic standards.
- Adopt a scientific evaluation system according to the principles of “quality first, reasonable price” standardized bidding model.
- Avoid overly hasty attempts to govern big data processing; instead, monitor data through collaboration and participation in relevant international forums.
- Adopt a risk-based approach to medical device clinical trials.

### Dynamic and Open Investment Environment
- Increase competition in pension and health insurance by licensing foreign-invested applicants.
- Revise the Draft Informatization Regulations to delete requirements to give priority to domestic information technology hardware, software, and encryption vendors.
- Improve the procedures for registering and transferring representatives, increase the length of time visas are valid for representatives, and decrease work permit approval times.
- Revise current regulations to allow foreign law firms to hire and admit to their partnerships PRC-qualified lawyers without requiring them to give up their PRC lawyer’s license when they join a foreign law firm.
- Lift the 50 percent cap on foreign ownership of life insurers.

### Fair and Market-based Innovation
- Allow insurance asset management companies to be established by a single founding shareholder in accordance with the Company Law.
- Clarify provincial procurement procedures for new products and set product price limits according to actual market prices that consider relevant factors.
- Establish a transparent and online national bidder registration system to transparently survey diverse medical market conditions and set purchase price limits.
- Adopt a risk-based approach to medical device clinical trials.
- Address the limited number of sufficiently knowledgeable reviewers, rigid submission guidelines, and the disproportionately high risk classification standards.
- Remove caps on foreign ownership of private healthcare enterprises.
- Remove the requirement that Chinese lawyers employed by foreign law firms in the pilot free trade zones suspend their Chinese bar membership.
### Machinery Manufacturing

**Fairness and Transparency**
- Ensure transparent, open, and nationwide access to the PBOC’s Credit Reporting System.
- Promote the “One Belt, One Road” initiative in a transparent and market-oriented manner and provide equal opportunities to both foreign and domestic project contractors, construction machinery manufacturers, and financial institutions.
- Strictly enforce the Emission Regulation to ensure a level playing field for all manufacturers and improve air quality.
- Clarify and align the definition of remanufacturing among different ministries, specify that RFGs are not used goods, allow the free flow of core across borders, and join the APEC Pathfinder for Remanufacturing.

**Dynamic and Open Investment Environment**
- Eliminate restrictions on foreign investment in the machinery manufacturing industry (e.g., those preventing establishment of WFOEs or holding majority ownership in key sectors such as medium- and low-speed marine diesel engines and crankshafts) and provide equal treatment to both domestically and foreign-invested enterprises.

**Fair and Market-based Innovation**
- Specify how FIEs – particularly those developing and producing goods and products in China for China – will be able to participate in “Made in China 2025” and its sub-programs and provide all industry players with the same opportunities.
- Encourage development of small/medium-sized and multiple-unit DE and CHP systems in industrial and commercial areas with high system efficiency through lower gas prices, tax credits, low interest loans, and/or subsidization of a project’s first capital cost.
- Encourage mechanization of coal mining and further improve subsidies for CBM/CMM drainage and utilization to improve mining safety, efficiency, and sustainability.

### Media and Entertainment

**Fairness and Transparency**
- Establish clearer lines of authority among the MIIT, SAPPRFT, MOC, SCIO, and other media and entertainment regulatory agencies, and institute a transparent regulatory drafting process that allows for public comment.
- Reconcile pwen and visa application procedures for live entertainment personnel to support China’s goals of cultural exchange and development (e.g., by allowing personnel from abroad to enter China on business visas instead of work visas).

**Dynamic and Open Investment Environment**
- Reduce non-tariff and market access barriers on all types of foreign media and entertainment. Increase and then remove all quotas for foreign films.
- Abolish restrictions on the streaming of foreign TV content, eliminate the TV quota system, ease restrictions on prime time broadcasts, and publish detailed regulations regarding TV partnerships and collaborations.
- Allow the foreign sound recording industry to sign artists and record, produce, market, and distribute recorded music in physical, Internet, and mobile platforms.
- Prevent the targeting, intimidation, and exclusion of foreign news agencies and reporters.

**Fair and Market-based Innovation**
- Fight IP violations in all media and entertainment sectors and increase judicial damage awards to enhance their deterrent effect.
### Oil and Gas, Energy, and Power

- Strengthen the application of regulations on tendering and bidding activities to ensure a level playing field.
- Improve the speed and fairness of the contracting process.
- Establish a nationwide regulatory framework for the importation of LNG, LPG, petrochemicals, and oil products that assures personal and environmental safety, while being clear enough for investors, both foreign and Chinese, to make informed investment decisions.
- Recognize the international expertise of FIEs when bidding for nuclear service contracts.
- Develop a framework where Chinese companies are not required to be the dominant partner in power generation sector JVs.
- Standardize customs documentation requirements for imported dry bulk commodities across all Chinese ports, with an emphasis on e-documentation; provide incentives to dry bulk industry participants to actively shift to electronic transaction practices.

### Real Estate

- Promote a transparent and equitable market to ensure healthy competition and sustainability over the long term.
- Inform investors about government-sponsored real estate opportunities in decentralized regions or new cities.
- Make records more readily available to help the market distinguish and understand the performance of key players and associated risks of their investments; upgrade technology to strengthen the availability of real estate data.
- Address inconsistent taxation and other transaction costs that create uncertainty around financial returns and profitability and discourage foreign investment.
- Better calibrate zoning and urban planning to actual supply and demand conditions; address the phenomenon of government-backed developers intentionally “bidding up” the price of auctioned land which impedes the entry of foreign developers.
- Provide open data systems, encourage REIT structures, and implement a property tax that is consistently enforced nationwide.
- Establish a strong and practical framework for construction supervision and waste management at all levels and establish partnerships with experienced consulting institutes to accelerate the introduction of best practices and improve overall quality in the industry.
- Encourage the long-term advancement of market standards rather than restricting foreign investors due to fears of asset-price inflation.

### Fairness and Transparency

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- Reconcile detailed regulations regarding TV partnerships and collaborations.
- Establish clearer lines of authority among the MIIT, SAPPRFT, MOC, SCIO, and visa application procedures for live entertainment per event and visa application procedures for live entertainment per platform.
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Retail and E-Commerce

Fairness and Transparency
- Introduce more consistent inspection systems that regulate all players along the industrial food chain. [CFDA, MOA]
- Amend the Product Quality Law to further refine and distinguish the legal liabilities of operators and producers, and relieve retailers from penalties when they fulfill their obligations. [NPC, State Council]

Dynamic and Open Investment Environment
- Promote a national unified large market by pursuing national or provincial VAT and CIT consolidations, and further optimize internal statistical and fiscal reporting systems. [State Council, MOF, SAT, NBS]
- Conduct comprehensive studies on professional complainants; align perspectives on and adapt effective measures to tackle this issue. [SAIC, CCA, NDRC]
- Remove requirements that foreign retailers establish separate WFOEs when opening stores and distribution centers in additional cities and districts. [municipal, district governments]

Fair and Market-based Innovation
- Optimize existing regulatory systems to be compatible for both online and offline retailers and review the necessity of on-going legislation focused on e-commerce to provide customers with a more consistent shopping experience, allow for more uniform implementation of consumer-friendly IP controls, and allow retailers to operate their online and offline businesses under a unified system with standardized processes. [NPC, State Council, MOF-COM]
中国美国商会 2016 年《白皮书》概要

各行业重点关注问题

中国美国商会第18版《美国企业在中国白皮书》通过对20个具体行业、13个跨行业问题和6个行政地区的审视，对中国商务环境进行了分析。每一章都概要介绍了会员企业关心的广泛的问题。这份概要一览表意在归纳和凸显2016年《白皮书》所表达的中心观点，而这些观点与中国美国商会首要关注的政策重点相契合。

2016年，我们将重点呼吁中国在确保公平性和透明度、充满活力、开放的投资环境和公平、市场导向型创新这三个主要领域做出改进。这份概要列出了2016年《白皮书》中提到的20个行业的重点关注事项，重点强调了会员公司在上述三个方面的具体关注点和建议。
公平与透明

- 不论何种法律或法规，都应在正式实施前，提前30天发布公示，并对其草案征求意见。
- 通过发布正式反垄断调查结果和历史案例，来提高透明度。
- 改革关税配额制度，公布粮食储备数据，提高在国际农产品市场上的影响力。
- 在全国和省级层面提升农业部农机购置目录相关农机补贴登记程序的速度、公正性和透明度。
- 在公告全国“合规调查”之前与受影响的各方沟通，提高设备补贴合规调查过程的公平性和透明度。

改革关税配额制度，公布粮食储备数据，提高在国际农产品市场上的影响力。

- 公平与透明
- 充满活力、开放的投资环境
- 公平、市场导向型创新

充满活力、开放的投资环境

- 在签署中美双边贸易协定前，进一步开放服务和消费市场，以促进经济进一步增长。
- 优先就一份高质量的中美双边贸易协定进行谈判，制定简短的负面清单、仔细斟酌用语及例外条款，确保能够在中国这个独一无二的市场实现协定的预期利好。
- 修改《外商投资目录》以鼓励外资投资种子技术、现代农业加工及粮食散货运输。
- 提高生物技术制品安全证书审批的及时性和可预测性，取消多余的进口审批要求。
- 将中外合资种子企业与内资种业公司一视同仁，允许符合条件的合资企业申请享受绿色通道政策。
- 简化种子和育种材料的进出口程序。
- 取消对美国牛肉、家禽和猪肉进口限制。
- 取消对传统饲料原料如大豆粕和菜籽粕等需进行登记的要求。
- 调整与2015年做出的向外国投资者开放售后服务业的举措存在冲突的各项规定，使其与该积极举措协调统一。
- 修订《机电产品进口管理办法》中的《旧机电产品禁止进口目录》，允许进口研发使用旧车及零部件。
- 汽车报废政策与相关国际规则和标准保持一致。
- 认可满足《联合国危险物品运输试验和标准手册》第38条的锂电池国际检测报告和认证文件或国内非中国检测机构出具的检测报告。
- 确保外资企业享受与内资企业同等的新能源汽车补贴政策。
- 在中美双边投资协定谈判结束之前，尽快向外资全面开放证券业。
- 取消技术壁垒，允许美国的银行进入银行间债券市场并为中国客户提供场外交易商品衍生产品。
- NAMFII 修改现行承销商申请计分办法，将外资银行离岸母公司的营业也纳入外资银行经营实力评估因素。
- 取消或放宽对外商信用评级机构所有权的限制。
- 确保中国汽车行业标准的每一条修改遵从国际标准。
- 采纳国际标准或制定特有标准时能考虑行业发展水平和市场总体环境，给予企业足够的提前期，使其有充分的时间做出调整，确保合规。
- 进一步加强知识产权保护力度，并有效处理假冒产品、侵权责任等问题。
- 制定符合国际标准的行为守则，进一步鼓励外资企业参与及金融服务创新。

公平、市场导向型创新

- 明确表示欢迎外资企业平等参与正在进行的，包括“中国制造2025”在内的创新计划。
- 取消对知识产权本地化的要求，并允许外国公司拥有与国内企业同等的机会加入标准制定组织。
- 通过增加知识产权法院和制定全面的商业秘密法律，来改善知识产权环境。
- 缩短种子品种开发基本知识产权保护的申请期限，加强对实质衍生品种的知识产权保护，优化省级执法。
- 避免专门针对外资农资企业进行的补贴合规调查，提升行业信心，以便外资农资企业向中国引进先进农业机械化技术。
- 允许生物技术农作物选育和种子生产，以鼓励中国种业现代化的创新投资。
- 将农产品定价机制改革推广到玉米等其他作物，并将农产品加工从《目录》的“限制类”中删除，有助于中国发展农产品高端加工和生产具有高附加值的产品。
银行业和资本市场

• 通过各级政府部门和加强对当地官员的培训，提高指导意见和指示保持解释的一致性。
• 在出台有关安全可控信息技术的其他规定之前，向行业人士征求意见，并提供30天草案意见征求期。
• 澄清监管部门的期许，减少以口头形式进行的“窗口指导”，即控制人民币利率及暂停部分外资银行跨境业务的指导。
• 以开展旨在保护投资者权利，确保信用评级机构业内的健康竞争，包括允许国际信用评级机构开展债券评级业务的改革，来提高透明度。

公平与透明

• 无论何种法律或法规，都应在国内正式实施前，提前30天发布公示，并对其草案征求意见。

汽车行业

• 明确表示欢迎外资企业平等参与正在进行的，包括“中国制造2025”在内的创新计划。
• 取消对知识产权本地化的要求，并允许外国公司拥有与国内企业同等的机会加入标准制定组织。
• 通过增加知识产权法院和制定全面的商业秘密法律，来改善知识产权环境。

充满活力、开放的投资环境

• 确保中国汽车行业标准的每一条修改遵从国际标准。
• 采纳国际标准或制定特有标准时能考虑行业发展水平和市场总体环境，给予企业足够的提前期，使其有充分的时间做出调整，确保合规。
• 进一步加强知识产权保护力度，并有效处理假冒产品、侵权责任等问题。

公平、市场导向型创新

• 制定符合国际标准的行为守则，进一步鼓励外资企业参与及金融服务创新。
• 在中美双边投资协定谈判结束之前，尽快向外资全面开放证券业。
• 取消技术壁垒，允许美国的银行进入银行间债券市场并为中国客户提供场外交易商品衍生产品。
• NAMFI修改现行承销商申请计分办法，将外资银行离岸母公司的营业额也纳入外资银行经营实力评估因素，【中国银行间市场交易商协会】
• 取消或放宽对外商信用评级机构所有权的限制。
### 民用航空

#### 公平与透明
- 确保中国航空公司飞行器交付的产品审查要求及适航全流程始终保持一致，并保证零部件制造商批准书（PMA）规章和指导材料能够对没有在系统层面进行过测试的运行构型的设计更改进行评估，进一步执行中国危险品各项条例并要求包括危险品制造商或承运商在内的各方遵守这些条例。
- 应向航空公司提供国内航空信息，来创建航图以保证在中国安全飞行。
- 中国民航局应增加专门从事民航局官方法律法规文件翻译的人员。

#### 充满活力、开放的投资环境
- 削减对航空飞机销售征收的进口关税和增值税，使其与运输飞机所适用的税率相当并放弃拟议的征收消费税的计划。
- 开放所有高度的空域。
- 提高通用航空对商用机场的使用率以及通过制定燃油和设施维修标准，支持固定基地运营商（FBO）竞争。
- 政策上允许货运航班无法获得日间在主要机场枢纽的起降时刻，并取消国内机场串飞的限制。

#### 公平、市场导向型创新
- 使航天器和发动机审定程序符合国际标准。
- 继续高效利用下一代航空运输系统技术（NextGen）以及单一欧洲天空空中交通管理研究（SESAR）技术并创立计划将其推广到整个系统。
- 民航局将自身规章制度同国际接轨。

### 清洁能源

#### 公平与透明
- 保持可再生能源项目审批程序的透明度，以确保公平、促进竞争。
- 确保地方一级在实施政策时，平等的对待内外资企业，以促进公平、透明市场的发展。

#### 充满活力、开放的投资环境
- 支持市场价格改革，开放电力市场招标，以消除低效/浪费。
- 降低对可再生能源和排放控制设备征收的关税，以鼓励《环境产品协定》其他国家共同促进亚太地区环境产品的自由贸易。
- 引进太阳能热发电项目入网电价及能源存储补助。
- 支持给予外资可再生能源开发和设备制造企业与中国境内企业同等的市场准入、公平竞争和“国民待遇”，将有助于促进竞争以及改进生命周期分析和表现。
- 支持美国企业用以引进太阳能、风能及其在华的能源存储设备的绿色金融债券和其它金融机制。

#### 公平、市场导向型创新
- 将中国风电涡轮机认证标准与国际认可的国际电工技术委员会制定的标准加以统一，将会改善涡轮机的性能。
- 国向在华开展清洁技术研发投资的外资企业开放“863”计划及其它创新计划。
- 确保对知识产权的保护，以支持对中国的技术转让，促进国内创新。
- 为避免与《反垄断法》第十五条的冲突，建议删除《专利法》草案中的第十四条，促进中国技术开发或者向中国转让技术。
- 提高翻修绿色建筑的能源利用标准和效率。
化妆品

・ 批准使用中国《合同法》所允许的合同法本之外的其他形式的合同。
・ 制定正式法规，明确签订工程总承包合同的资质要求。
・ 明确非外资建筑业企业和非外资设计公司从事项目管理服务的要求。

公平与透明

・ 保持可再生能源项目审批程序的透明度，以确保公平、促进竞争。
・ 确保地方一级在实施政策时，平等地对待内外资企业，以促进公平、透明市场的发展。

・ 在全球范围内推广自贸区改革，允许外资建筑业企业参与非外资投资项目。
・ 允许外资设计企业直接申请甲级设计资质，而无需先申请并获得乙级资质。
・ 彻底删除18号令关于外资设计企业的从业人员至少应有25%来自于国外，且外籍员工每年应在中国居住6个月以上的规定。
・ 对在华成立外资建筑公司的资本金要求遵循国际惯例。

・ 实施政策以确保外资企业在绿色建筑和能源效率的参与。

建筑、工程和设计

・ 批准使用中国《合同法》所允许的合同法本之外的其他形式的合同。
・ 制定正式法规，明确签订工程总承包合同的资质要求。
・ 明确非外资建筑业企业和非外资设计公司从事项目管理服务的要求。

公平、市场导向型创新

・ 使航天器和发动机审定程序符合国际标准。
・ 继续高效利用下一代航空运输系统技术（NextGen）以及单一欧洲天空空中交通管理研究（SESAR）技术并创立计划将其推广到整个系统。
・ 民航局将自身规章制度同国际接轨。

・ 将发展和创新列入《化妆品监督管理条例》的原则。
・ 建议政府继续积极探索，在充分把握其规律后，再出台相应的政策，让国家的“互联网＋”战略落到实处。
・ 采用创新政策管理网购保税跨境进口的化妆品。

充满活力、开放的投资环境

・ 全面推进自贸区改革，允许外资建筑企业参与非外资投资项目。
・ 允许外资设计企业直接申请甲级设计资质，而无需先申请并获得乙级资质。
・ 彻底删除18号令关于外资设计企业的从业人员至少应有25%来自于国外，且外籍员工每年应在中国居住6个月以上的规定。
・ 对在华成立外资建筑公司的资本金要求遵循国际惯例。

・ 实施政策以确保外资企业在绿色建筑和能源效率的参与。

公平、市场导向型创新

・ 批准使用中国《合同法》所允许的合同法本之外的其他形式的合同。
・ 制定正式法规，明确签订工程总承包合同的资质要求。
・ 明确非外资建筑业企业和非外资设计公司从事项目管理服务的要求。

公平与透明

・ 保持可再生能源项目审批程序的透明度，以确保公平、促进竞争。
・ 确保地方一级在实施政策时，平等地对待内外资企业，以促进公平、透明市场的发展。

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・ 对在华成立外资建筑公司的资本金要求遵循国际惯例。

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・ 允许外资设计企业直接申请甲级设计资质，而无需先申请并获得乙级资质。
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・ 对在华成立外资建筑公司的资本金要求遵循国际惯例。

・ 实施政策以确保外资企业在绿色建筑和能源效率的参与。

公平、市场导向型创新

・ 使航天器和发动机审定程序符合国际标准。
・ 继续高效利用下一代航空运输系统技术（NextGen）以及单一欧洲天空空中交通管理研究（SESAR）技术并创立计划将其推广到整个系统。
・ 民航局将自身规章制度同国际接轨。

・ 将发展和创新列入《化妆品监督管理条例》的原则。
・ 建议政府继续积极探索，在充分把握其规律后，再出台相应的政策，让国家的“互联网＋”战略落到实处。
・ 采用创新政策管理网购保税跨境进口的化妆品。
公平与透明

- 消除对直销行业的歧视性作法，在市场准入、许可审批方面给予直销行业和其他行业同等的待遇。
- 审核现行的跨境电子商务政策，保证品牌所有者、投资者和电商之间的公平竞争。

充满活力、开放的投资环境

- 放宽团队计酬和报酬限制，直销员培训管制，产品范围和委托加工产品的限制。
- 允许适当收取招募费用。

公平、市场导向型创新

- 修订《直销管理条例》、《禁止传销条例》以及配套法规，使之符合中国的入世承诺、国际惯例、2013司法解释和中国市场的行业现状，以提升创新型商业模式的应用。

电子支付服务

- 加快出台《国务院关于实施银行卡清算机构准入管理的决定》的实施细则以及相关的清算机构技术基础设施建设的技术要求。
- 长期来看，应当取消此项价格管制，以符合中国市场化改革方向。
- 允许外资企业获得从事在线支付服务的牌照，不再要求外资企业必须与国内第三方支付供应商合作才能推出新的支付产品。

- 在对国内收单终端升级支持免触支付时应兼容EMV非接触支付功能。
- 各地海关统一要求，简化跨境交易中的支付、物流和商品信息申报程序。
- 优化银行卡刷卡手续费结构并避免继续降低刷卡手续费，吸引投资提升支付系统的创新性和安全性。

- 支持律师和会计师等专业人士观察员参与制定相关标准，以提高标准的适用性和指导性。
- 加强与相关行业协会、企业等的合作，共同制定标准，推动标准的实施。
- 鼓励企业参与制定标准，提高标准的参与度和执行度。
- 充分考虑行业特点和企业实际，合理制定标准，避免过度监管和行政干预。
食品饮料

- 不断加强检测结构和执法队伍建设，提高执法人员专业水平，推进“清单式”标准化执法，以加强各地法规的统一，准确解读与执行。
- 改善机制和渠道，更好地收集并解决企业遇到的问题。
- 考虑加强对食品安全执法队伍的专业技能培训，协调不同地区的执法流程，努力推进地方执法程序标准化，化解因基层监管执法水平不一或过于严苛造成的矛盾。

快递服务

- 在相关标准颁布阶段，建议监管部门开展与行业对话，细化执行方案，避免由于各地监管人员解读不同而造成执法不统一。
- 期待国务院法制办能够专门就国际快递领域的问题与企业进行座谈交流，深入了解行业特点。
- 允许企业在标准前期起草过程中与监管部门进行充分交流，特别是对安全要求的合规性、合理性进行审慎研究，避免相关措施影响企业正常运营，增加企业成本。
- 建议可以将编码规则作为推荐性的行业标准，供企业自由选择使用与否，而不适宜作为行政要求强制实施。

公平、市场导向型创新

- 修订《直销管理条例》、《禁止传销条例》以及配套法规，使之符合中国的入世承诺、国际惯例、2013司法解释和中国市场的行业现状，以提升创新型商业模式的应用。
- 在对国内收单终端升级支持免触支付时应兼容EMV非接触支付功能。
- 各地海关统一要求，简化跨境交易中的支付、物流和商品信息申报程序。
- 优化银行卡刷卡手续费结构并避免继续降低刷卡手续费，吸引投资提升支付系统的创新性和安全性。
- 进一步加强对食品安全标准管理及非食品安全标准的协调和统一管理。
- 建立联合工作机制，组成跨部门的工作小组，制定相关工作计划，解决进口食品和食品原料无国标问题。
- 简化国家、地方和行业标准，减少矛盾和差异。
- 解决食品安全标准与加工环节法规的衔接问题。
### 医疗服务、医疗器械和药品

- 对重要法规和政策做出统一、明确的解释，并加强对地方医疗器械监管人员的培训，减少执法不力和不统一的现象。
- 建立全国性阳光采购平台，避免医院二次议价及企业进行重复资格审查；采用阳光采购形式充分收集和分析实际数据，制定避免过高的淘汰率的机制，使市场充分竞争得到优化；明确国产品牌的定义。
- 解决充分具备相关知识的审评人员数量不足、临床试验要求严格且与国际实践不符、提交办法不明确以及与其他国家相比中国的第三类产品分类比例过高等问题。
- 保障站点销售银保产品和商业企业合作的驻点销售银保产品的数目。
- 保监会内部单设一个健康险监管部门，按照人寿险和财产险的监管标准开展健康保险监管。
- 进一步开放互联网保险销售渠道，允许更多类型的保险产品可以通过互联网进行全国性销售。
- 取消寿险公司外资股东持股比例不得超过 50% 的上限规定。
- 简化设立代表处的要求，尽可能消除不可预测性因素，缩短设立代表处及开设新代表处的审核时间。

### 信息通信技术

- 对跨国数字数据和技术流动采取透明的监管方法，避免出台限制合法数据跨国流动或将商业利益与地方投资挂钩的措施。
- 践行中美战略经济对话承诺，保证未来的任何银行业信息和通信技术条例无歧视性，公开透明，不施加基于国籍的要求，同样要以透明的方式制定电信和保险业的网络安全法规，并将这些原则应用至未来任何《网络安全法》的修订中。
- 信息和通信技术相关标准在制定时应获得包括外资企业在内的所有相关行业的充分参与、讨论和投入，以保证制定的标准获得国内和国际供应商的广泛认同和支持。
- 解除“多层保护计划”中的限制，不再要求对所有属于“多层保护计划”层次的信息和通信技术产品进行产品性能强制性测试，以满足中国独特的标准。
- 撤销技术本地化命令，确保旨在促进中国创新和技术发展的程序与措施（包括信息和通信技术相关标准的制定）公平，一视同仁，透明，允许外资企业参与，不扭曲全球市场。

### 充满活力、开放的投资环境

- 取消对私立医疗卫生企业外商投资所有制限制。
- 鼓励业界参与医保付费制度改革，并避免将符合市场准入条件的医疗技术拒之门外。
- 以“质量优先，价格合理，性价比适宜”为原则，建立科学的评价体系。
- 应透明地调研医疗市场实际情况，并在考量采购数量、回款时间、采购周期等实际情况后采购限价。
- 明确新产品增补时间、流程和规则，并充分考量医疗器械产品的特殊性，制定合理、恰当的采购周期。
- 上调外商投资企业的股本上限，减少市场进入障碍，以便直接交付云服务。
- 避免过于仓促地管理大数据处理；反之，应通过相关国际论坛的合作和参与，监督并参与大数据新管理框架的建立。

### 公平与透明

- 对重要法规和政策做出统一、明确的解释，并加强对地方医疗器械监管人员的培训，减少执法不力和不统一的现象。
- 建立全国性阳光采购平台，避免医院二次议价及企业进行重复资格审查；采用阳光采购形式充分收集和分析实际数据，制定避免过高的淘汰率的机制，使市场充分竞争得到优化；明确国产品牌的定义。
- 解决充分具备相关知识的审评人员数量不足、临床试验要求严格且与国际实践不符、提交办法不明确以及与其他国家相比中国的第三类产品分类比例过高等问题。
- 保障站点销售银保产品和商业企业合作的驻点销售银保产品的数目。
- 保监会内部单设一个健康险监管部门，按照人寿险和财产险的监管标准开展健康保险监管。
- 进一步开放互联网保险销售渠道，允许更多类型的保险产品可以通过互联网进行全国性销售。
- 取消寿险公司外资股东持股比例不得超过 50% 的上限规定。
- 简化设立代表处的要求，尽可能消除不可预测性因素，缩短设立代表处及开设新代表处的审核时间。
- 修改现行法律法规，允许外国律师事务所雇用中国执业律师并任用其为合伙人，不再要求中国执业律师在加入外国律师事务所时放弃执业证。

### 公平、市场导向型创新

- 采用基于风险的医疗器械临床试验方法。
- 将《全国医疗服务价格项目规范》（2012 版）作为医疗服务收费的指导意见，允许安全性和效果显著的产品单独计费。
- 改革高值医用耗材集中采购模式，以阳光挂网采购或更为合理的其它模式取代“双信封”模式。
- 在药品招标过程中，依照科学标准和国际通行准则，实施质量分层，并将原研药／首仿药单独设立一个质量层次。
- 建立科学的评价方法，包括体外溶出度曲线测定以及生物等效性研究。
- 对新药品做出明确界定，确保该定义符合国际标准和实践，
### 保险业

- 坚守中国政府承诺的向社会广泛征求意见的30天期限规定。
- 外资保险公司申请设立分支机构时，确保在审批手续和审批进度上享受与内资保险公司的同等的待遇。
- 保监会内部单设一个健康险监管部门，按照人寿险和财产险的监管开展健康保险监管。
- 依照《公司法》规定，允许单一发起人股东设立保险资产管理公司。

### 法律服务

- 在征收中国所得税方面，为外国律师事务所提供与中国律师事务所同等的待遇。
- 允许外国律师事务所聘请外籍非法律专业人士，改进代表的注册及调动程序，延长代表的签证有效期，缩短工作许可的审批时间。
- 明确取消与商业银行进行保险业务合作的驻点销售银保产品的合作保险公司的数量限制。
- 保监会内部单设一个健康险监管部门，按照人寿险和财产险的监管开展健康保险监管。
- 进一步开放互联网保险销售渠道，允许更多类型的保险产品可以通过互联网在线进行全国性销售。

### 公平与透明

- 简化设立代表处的要求，尽可能消除不可预测性因素，缩短设立代表处及开设新代表处的审核时间。
- 修改现行法律法规，允许外国律师事务所雇用中国执业律师并任用其为合伙人，不再要求中国执业律师在加入外国律师事务所时放弃执业证。
- 修改信息化规定草案，取消优先购买安全可控的国产信息技术硬件、软件和加密技术的规定。
- 不再要求中国执业律师在加入外国律师事务所时放弃执业证。
- 通过向外资保险公司发放经营牌照，提高养老保险和健康保险的市场竞争力。

### 充满活力、开放的投资环境

- 取消对私立医疗卫生企业外商投资所有权限制。
- 鼓励业界参与医保付费制度改革，并避免将符合市场准入条件的医疗服务拒之门外。
- 以“质量优先、价格合理、性价比适宜”为原则，建立科学的评价体系。
- 应透明地调研医疗市场实际情况，并考量采购数量、回款时间、采购周期等实际情况后采购限价。
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- 建立科学的评价方法，包括体外溶出度曲线测定以及生物等效性研究。
- 对新药品做出明确界定，确保该定义符合国际标准和实践。
- 信息和通信技术相关标准在制定时应获得包括外资企业在内的所有相关行业的充分参与、讨论和投入，以保证制定的标准获得国内和国际供应商的广泛认同和支持。
- 解除“多层保护计划”中的限制，不再要求对所有属于“多层保护计划”层次的信息和通信技术产品进行产品质量保证强制性测试，以满足中国独特的标准。
- 撤销技术本地化命令，确保旨在促进中国创新和技术发展的程序与措施（包括信息和通信技术相关标准的制定）公平、一视同仁，透明，允许外资企业参与，不扭曲全球市场。
- 修改信息化规定草案，取消优先购买安全可控的国产信息技术硬件、软件和加密技术的规定。
- 通过向外资保险公司发放经营牌照，提高养老保险和健康保险的市场竞争力。
### 机械制造业

- 保障全国范围内的企业，都能公开、透明地接入人民银行征信系统。
- 中国政府采取透明且市场化的方式实施“一带一路”战略，为内外资工程承包商、工程机械制造商和金融机构提供同等的机会。
- 严格实施排放标准，实现为所有制造企业营造公平竞争环境和改善空气质量。
- 明确并统一各个部委对再制造的定义，特别是明确再制造制成品不是二手产品，允许毛坯（可以再制造的材料）自由跨境流通；加入亚太经合组织的“再制造探路者倡议”。

### 媒体与娱乐

- 明确工业和信息化部、国家新闻出版广电总局、文化部、国务院新闻办公室和其他媒体与娱乐监管机构的职责权限，建立透明的规则起草流程，允许征求公众意见。
- 协调现场娱乐活动参加人员的批文与签证申请流程，为中国实现文化交流与发展目标提供支持，例如允许国外人士持商务签证而非工作签证入境。
- 减少各类外国媒体进入中国市场的非关税壁垒，减少外国媒体提供商的市场准入壁垒，增加外国电影的整体制配，并逐渐取消配额限制。
- 取消限制外国电视节目在中国播出的新规定、取消电视配额体系、减少黄金时间播放限制和外国频道进入中国市场的限制，同时公布详细监管法规来规范国内电视与外国内容制作商的合作与协作。
- 允许外国音乐行业签约艺人，以及录制、制作、推广音乐作品并通过实体形式与互联网与移动平台发行音乐作品。
- 避免针对、威胁、排斥外国新闻机构与记者，从而为潜在投资者提供在中国开展业务需要的信息。

### 充满活力、开放的投资环境

- 取消对外资企业投资机械制造产业的限制，如，几个重要制造业部门（如中低速船舶柴油机和曲柄轴）依然禁止外商投资企业（外资企业）设立外资独资企业或实现外资控股，给予内外资企业同等待遇。

### 公平与透明

- 明确外资企业，特别是在华为中国客户开发和生产货物和产品的外资企业，如何参与到包括“中国制造2025”规划及其相关子项目，并拥有和同行业企业同等的机会。
- 鼓励在工业区和商业区发展高效的中小型和多机组分布式能源热电联产系统。
- 鼓励实现煤矿开采机械化，进一步提高对煤层气／煤矿瓦斯抽采使用的补贴水平，提升煤矿安全、开采的效率和可持续性。

### 公平、市场导向型创新

- 在所有媒体与娱乐领域打击知识产权违法行为，提高法定损害赔偿限额，以提高震慑力。
- 建立确保人身安全和环境保护的液化天然气、液化石油气、石化产品和石油产品进口全国监管框架，同时明确告知对中外投资者的要求，使其能够了解情况，做出合理决定。
- 在核能服务合同招标中承认外资企业的国际专业知识。
- 应当鼓励外资长期参与市场竞争以提高市场标准，不应因担心资产价格飙升而限制外商投资房地产行业。
- 建立一项规范各级政府部门严格实施建筑施工监督和废料管理的有力且可行的框架，与经验丰富的咨询机构开展合作，尽快引进最佳实践并提高行业整体质量。
### 石油天然气、能源和电力

- 加强相关法规在招投标活动中的落实，以确保建立公平的竞争环境。
- 提高承包流程的速度和公平性。

### 房地产

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<td>提升市场透明度和平等度，确保市场健康竞争和长期可持续发展。</td>
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<td>将去中心化区域或新城建设中由政府出资的项目机会告知投资者。</td>
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<td>我们促请中国政府登记并提供相关信息，帮助市场分层和了解重要市场主体的业绩及其投资风险，提高房地产数据的可得性需要进行技术升级更新。</td>
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<td>处理引起房地产投资回报和盈利的不确定性的标准不统一的税赋以及其他交易成本问题。</td>
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### 充满活力、开放的投资环境

| 城市分区和规划应当更加符合市场实际供需状况，拥有政府背景的开发商往往会有意地推高出价，影响了外资开发商进入中国市场。 |
| 我们建议中国政府继续采取相关措施提供公开数据系统，鼓励推行REIT结构，以及在全国范围内实施统一的房产税。 |

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公平与透明

- 使食品产业链上的所有主体适用更加一致的检查制度。【国家食品药品监管总局和农业部】
- 修改《产品质量法》，进一步界定和区分运营者与生产商各自的法律责任，对履行法定义务的销售者免于处罚。【全国人大和国务院】

充满活力、开放的投资环境

- 努力合并中央或地方增值税及企业所得税，推进构建全国统一大市场，并优化内部统计和财务报告体系。【国务院、财政部、国家税务总局和国家统计局】
- 对职业投诉人现象开展全面调研，统一观点并采取有效措施解决这一问题。【国家工商总局、中国消费者协会和发改委】
- 取消外资零售企业在开设新店或物流中心时要在其辖区内设立新的外商独资企业的要求。【市级、区政府】

公平、市场导向型创新

- 完善现有监管制度，将线上和线下销售活动纳入同一监管框架，并审核目前正在进行的制定专门电子商务相关立法活动的必要性。【全国人大、国务院和商务部】
This is a summary of the 2016 American Business in China White Paper. The full White Paper is available to members only.

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