



China Business Climate Survey Report  
年度商务环境调查报告



2014

# AmCham China 2014 China Business Climate Survey Report

## 中国美国商会 2014 年度商务环境调查报告

This marks the 16<sup>th</sup> year that the American Chamber of Commerce in the People's Republic of China (AmCham China) has conducted its Business Climate Survey. The 2014 survey is based upon responses from 365 of our members, including those based in Beijing as well as our chapters in Northeast China (Dalian), Tianjin, and Central China (Wuhan).

The survey offers a valuable snapshot of member views on China's regulatory and policy environment, illustrating emerging opportunities and challenges, long-term improvements in the business climate as well as areas of ongoing concern. As such, the survey plays an essential role in helping us broadly understand the experiences and insights of member companies and determine the chamber's advocacy priorities both in Beijing and Washington.

We would like to thank all our members who took the time to participate in the survey. Your input is greatly valued.

今年是中国美国商会 (AmCham China) 开展年度商务环境调查的第十六个年头。2014 年的调查报告以中国美国商会的 365 家会员企业对问卷的反馈作为基础。这些会员企业来自北京以及本商会东北地区 (大连)、天津、以及华中地区 (武汉) 的分支机构。

调查为我们提供了有价值的简报, 反映了会员企业对中国监管和政策方面的看法, 显示了新的机会与挑战、长期的商务环境改善、以及其它受关注的领域。因此, 调查报告对于帮助我们广泛了解会员企业的运营经历和见解, 确定中国美国商会制定对中国政府和美国政府的工作重点, 都将发挥重要的作用。

在此感谢抽出时间参与调查的中国美国商会会员, 你们的意见弥足珍贵。



This year's entire survey and data results can be downloaded without cost to AmCham China members, or for RMB350 to non-members, at: [www.amchamchina.org](http://www.amchamchina.org).

本年度完整的报告可供会员在中国美国商会官网 [www.amchamchina.org](http://www.amchamchina.org) 免费下载, 非会员下载则须支付人民币 350 元。

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## Chairman's Summary

For businesspeople in China, 2013 was the start of a transition, with new leadership, new expectations, and a break with the past. While China has largely avoided the turmoil created by the global financial crisis, it has nevertheless become clear that the current economic model has run its course, and the nation's leaders now need to guide the country into uncharted waters. This year's Business Climate Survey reflects the new realities of operating in China and the associated uncertainty, but also the optimism and confidence among AmCham China members that the country's leadership is set on reform and that foreign business has an important role in China's future.

The economic situation is clearly evolving rapidly for both domestic companies as well as foreign ones. Our members are certainly not alone in experiencing declines in revenue and profitability growth in China. And while this year's survey shows that China is increasingly viewed as just one of many investment possibilities for our members, rather than a priority, this should be seen in the context of Chinese companies also investing more overseas than ever. Even so, there is no cliff here. Current attitudes toward the business environment in China represent the continuation of a trend that has been developing over the past few years, and perhaps a healthy reassessment of expectations. Foreign investment in China grew more than 5 percent during 2013, and more than three-quarters of our members are optimistic about the next two years.

The biggest challenges for business in China will be familiar to anyone who has followed the Business Climate Survey over the past few years. Finding and keeping talent, and the associated costs, continues to be a primary concern for our members. To reflect the seriousness of human resources issues and their enduring nature, we have this year gone into greater depth in the survey and present the results in a section dedicated to the subject.

Nevertheless, human resources is one of a number of issues that have a broad impact in China. Rising costs, difficulties in obtaining reliable data and the influence of state-owned enterprises affect all private companies. However, there are some problems that fall disproportionately on foreign companies. Licensing and the protection of intellectual property rights remain significant issues for our members. But even in IPR, there has been progress, with two in five respondents noting an improvement over the past five years.

It's also important to note the questions we've added this year. The bilateral investment treaty and Shanghai pilot free-trade zone represent important new reform initiatives on issues very close to the hearts of our members. Significant uncertainty remains, but the survey results reflect confidence that the nation's leaders understand the challenges and that these moves are in the right direction.

While this year's Business Climate Survey lays bare the difficulties faced by foreign business in China, it also demonstrates optimism that the transition apparent in 2013 is just the beginning of a new era in China's development. Many tough decisions remain for the country, but the most difficult decision, to embrace reform, has already been made.



Greg Gilligan  
Chairman, AmCham China



## 会长致辞

对中国商界而言，2013年是转型开启之年，新的领导层上任、人们新的期盼、以及与过去的决别。虽然基本避免了全球金融危机造成的动荡，但是中国已经清楚地认识到，目前的经济模式已走到了尽头，国家领导者现在必须把国家引上新的征程。今年的商务环境调查反映的是当前在中国运营的现实，和与其相关的不确定性，而且还涉及中国美国商会会员对于中国未来的乐观和信心，即中国的领导层致力于改革，外企在中国的未来仍将发挥重要作用。

不论对于中资企业还是外资企业，经济形势都正在发生着急速的变化，遭遇收入和利润增长下滑的当然不仅仅是我们的会员企业。今年的调查显示，中国只是外国企业众多投资优选地之一，这一点同样适用于正在海外不断增加投资的中国企业。即便如此，这并不是断崖险境。目前对中国商务环境的态度是过去几年来发展趋势的延续，或者说是对未来预期的一种合理再评估。2013年，外国对华投资增长超过5%，并且我们超过四分之三的会员对未来两年持乐观态度。

对于过去几年来关注商务环境调查的任何一位读者来说，中国商务环境的最大挑战并不陌生。发现并留住人才以及与此有关的成本问题仍旧是会员首要关注的。为了反映这类问题的严重性及其持久性，我们今年加大了调查深度，并专门用一个部分来公布调查结果。

然而，人力资源只是在中国有广泛影响的众多问题中的一个。成本上升、难以获得可靠的数据、以及国有企业的影响力，都左右着所有的私营企业。还有一些问题则凸显于外资企业。证照申请和知识产权保护仍然是我们会员所面临的重要问题。当然，即使是在知识产权领域，也取得了进步，有40%的受访者表示，过去五年来中国的知识产权保护工作取得了进步。

今年新增设的问题同样值得关注。双边投资协定和上海自由贸易试验区代表着新的改革举措，其针对的问题与我们的会员企业密切相关。虽然仍存在重大的不确定性，但是调查结果反映出，广大会员相信，中国的领导者已了解这些挑战，而上述举措正朝着正确的方向发展。

虽然今年的商务环境调查揭示了在华外资企业所面临的种种困难，但它同时显示了这样的乐观态度，即：2013年显示的转型仅仅是中国发展新纪元的开始。中国仍然有许多艰难的决定要做，但最艰难的决定已经做出，这便是——锐意改革。

葛国瑞

中国美国商会会长



## CHINA IN TRANSITION 转型中的中国

**A**fter years of meteoric growth, China's economy and the overall business environment is now being somewhat more soberly assessed by AmCham China member companies. This year's survey shows that many companies are still earning profits in China. However, costs are rising and despite solid optimism for the short-term business outlook, companies are increasingly cautious about future investments, as revenue and profitability growth decrease. Some expansion plans are being scaled down in response to the slowing economy, market access restrictions, concerns with regard to government policies, and perceptions that foreign business faces a less welcome environment than before.

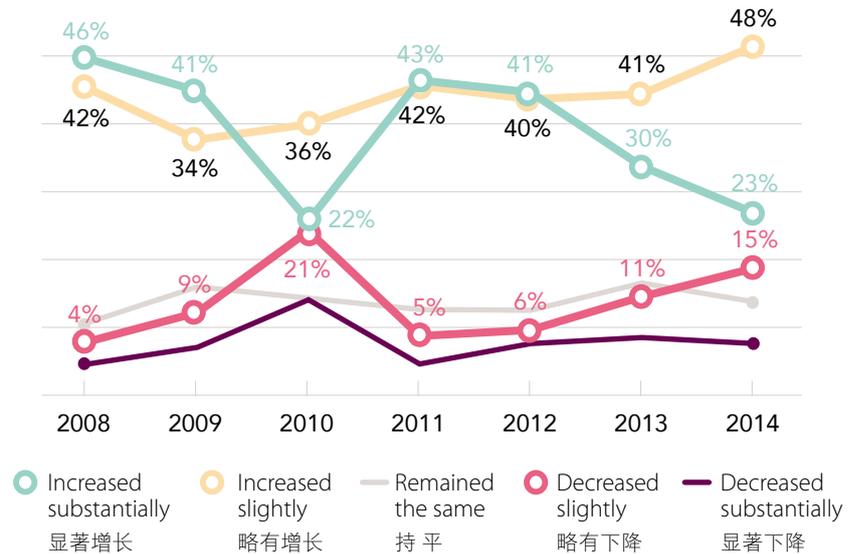
在多年的快速增长之后，商会会员企业对中国经济及其整体商务环境的评估逐渐趋于冷静。今年的调查显示，许多会员企业在中国仍然赢利。然而，成本在上升，收入和利润率增长下降，让会员企业对未来投资变得日益谨慎，但企业对短期的商业前景相当乐观。面对经济放缓、市场准入限制、对政府政策的担忧、以及感觉外资企业受欢迎程度不如从前，一部分企业的扩展计划在压缩。

## Revenues Increase, Though at Slower Pace 企业收入增长，但增速减缓

Over 70 percent of respondents reported a slight or substantial increase in revenue in the past year. However, for the third year running, companies reporting substantial revenue increases are harder to find, while those reporting slight increases or slight decreases are more prevalent.

超过 70% 的受访者表示去年的收入有所增长或显著增长，但连续第三年，声称收入大幅增长的企业更少了，而多数企业的收入略有增长或略为下降。

**Q** How do the last year's revenues from your China operations compare to the previous year? | 企业上一年度在华的运营收入与前一年的比较

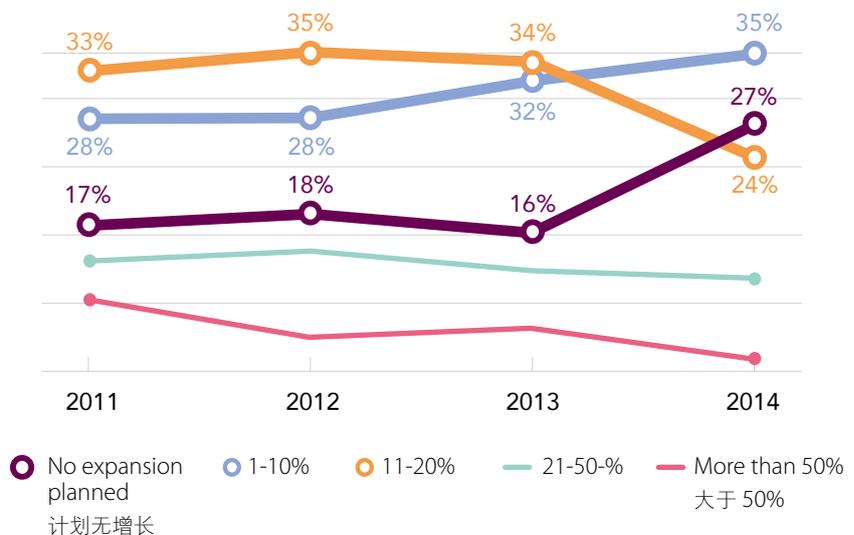


## Fewer Companies Expanding in China 在华扩展的企业减少

The impact of the stimulus measures rolled out after the global financial crisis has clearly worn off, with more companies scaling back expansion plans for China. For the first time, the majority plans to increase China investments by 10 percent or less in 2014, with the proportion of companies planning no increased investment rising sharply.

全球金融危机后实施的激励措施所带来的影响显然已经逐渐消失，更多会员企业开始相应缩小其在中国的扩展计划。第一次出现大多数受访企业计划 2014 年在中国的投资增长为 10% 或以下的情况，而没有增资计划的公司所占比例大幅上升。

**Q** How much do you estimate your company will increase investment in China operations for the next year? (2011-2014) | 企业对 2014 年在中国运营投资增长的预期 (2011-2014)

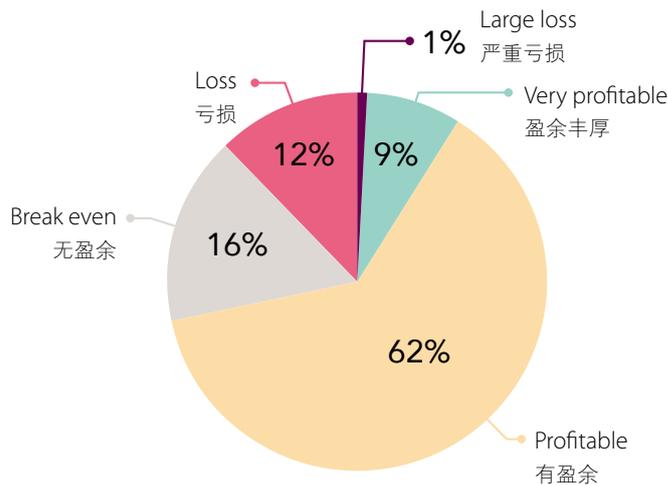


# Majority of Companies Profitable, but Margins Ease

大多数企业保持赢利，但利润幅度收窄

**Q** How would you characterize your company's financial performance in China in 2013?

企业 2013 年度在华财务状况

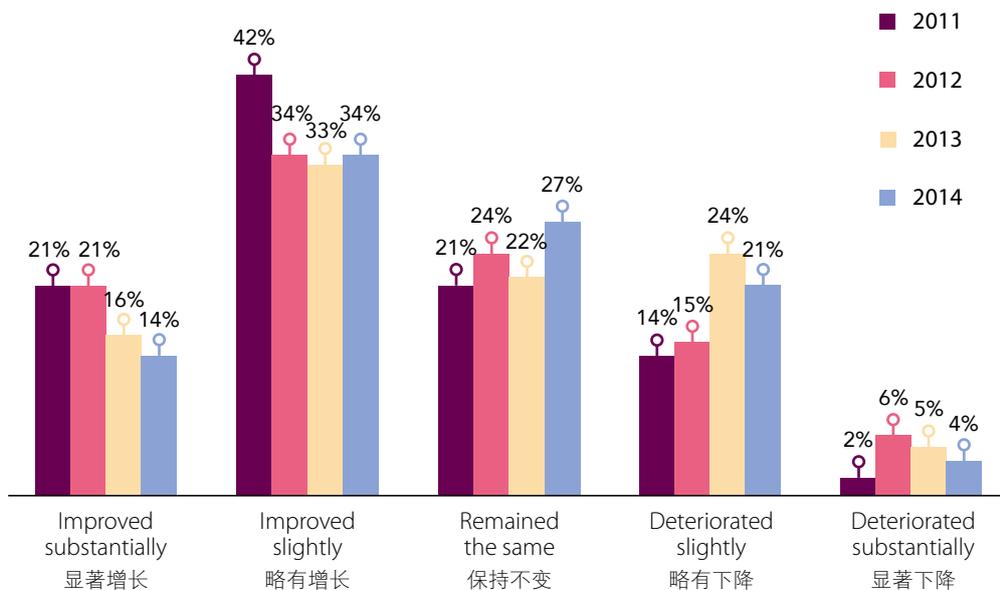


The majority of companies remain profitable but overall margin improvements eased, with a noticeable jump in companies reporting no change in margins from the previous year. Respondents who reported increases in operating margins outweighed those reporting decreases by nearly 2:1.

大多数会员企业仍然保持赢利，但利润幅度收窄，与上一年相比利润增长没变化的企业明显增加。报告营业利润率增长的企业数量超过了报告营业利润率下降的企业，两者的比例差不多为 2:1。

**Q** How do this year's forecast operating margins of your China operations compare to the previous year's? (2010-2014)

企业在华运营利润幅度与上一年度相比 (2010-2014)



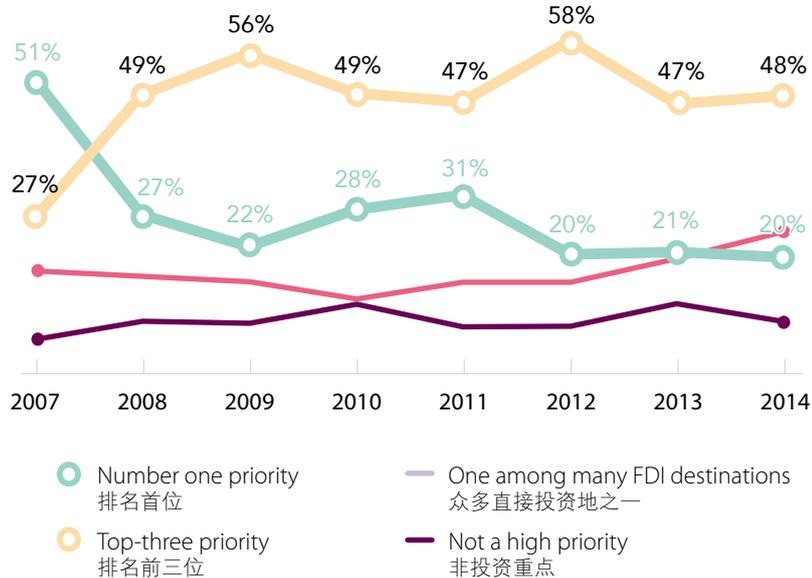
## China Still a Top 3 Investment Priority 中国仍为优先投资地前三甲

Nearly half of respondents still regard China as a top-three investment priority. However, seven years ago, China was the No. 1 investment priority for a majority of AmCham China members. That proportion has declined to 20 percent, with respondents increasingly describing China as one of many foreign direct investment destinations for their company.

接近半数的受访者仍将中国作为投资地前三甲。七年前，中国是中国美国商会大多数会员企业的首选投资地。如今，这一比例已经下降到20%。更多受访企业把中国列为其众多境外投资地之一。

**Q** How does China rank in your company's near-term global investment plans?

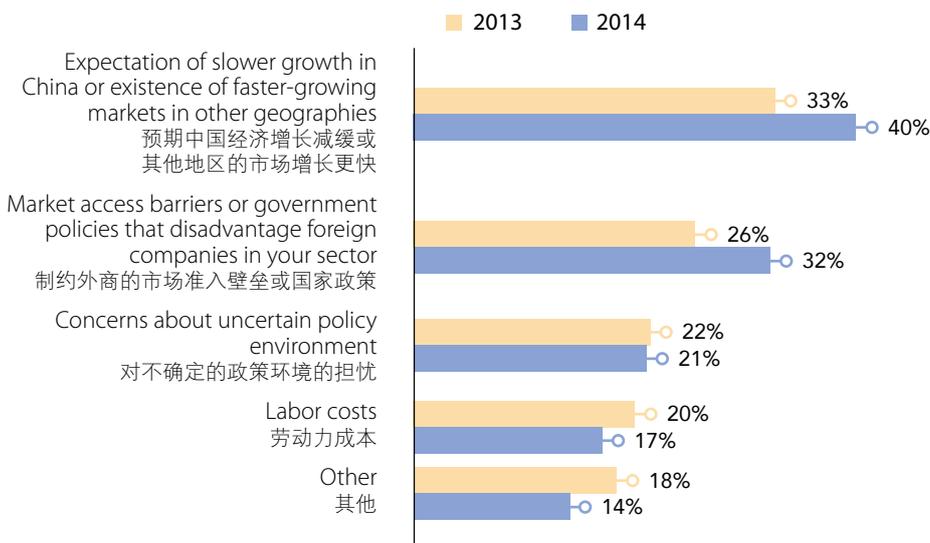
中国在企业近期全球投资计划中的排名



## Slower Growth and Market Barriers Behind Investment Cuts 增长放缓和市场壁垒是投资缩减的原因

**Q** If your planned increase in investment in the next year is LOWER than it was in the previous year, this is due to: (2013-2014)

企业对华投资计划较前一年减少的原因 (2013-2014)



While rising labor costs continue to make the headlines, AmCham China members who are scaling back investment in China are actually more (and increasingly) concerned about slowing relative growth in China and market access barriers, as well as ongoing concerns about the policy environment.

虽然不断增长的劳动力成本依旧是主要因素，但缩减在华投资的中国美国商会会员企业实际上更多（并且日益）担忧的是中国经济增速的相对放缓和市场准入壁垒，以及对政策环境的持续担心。

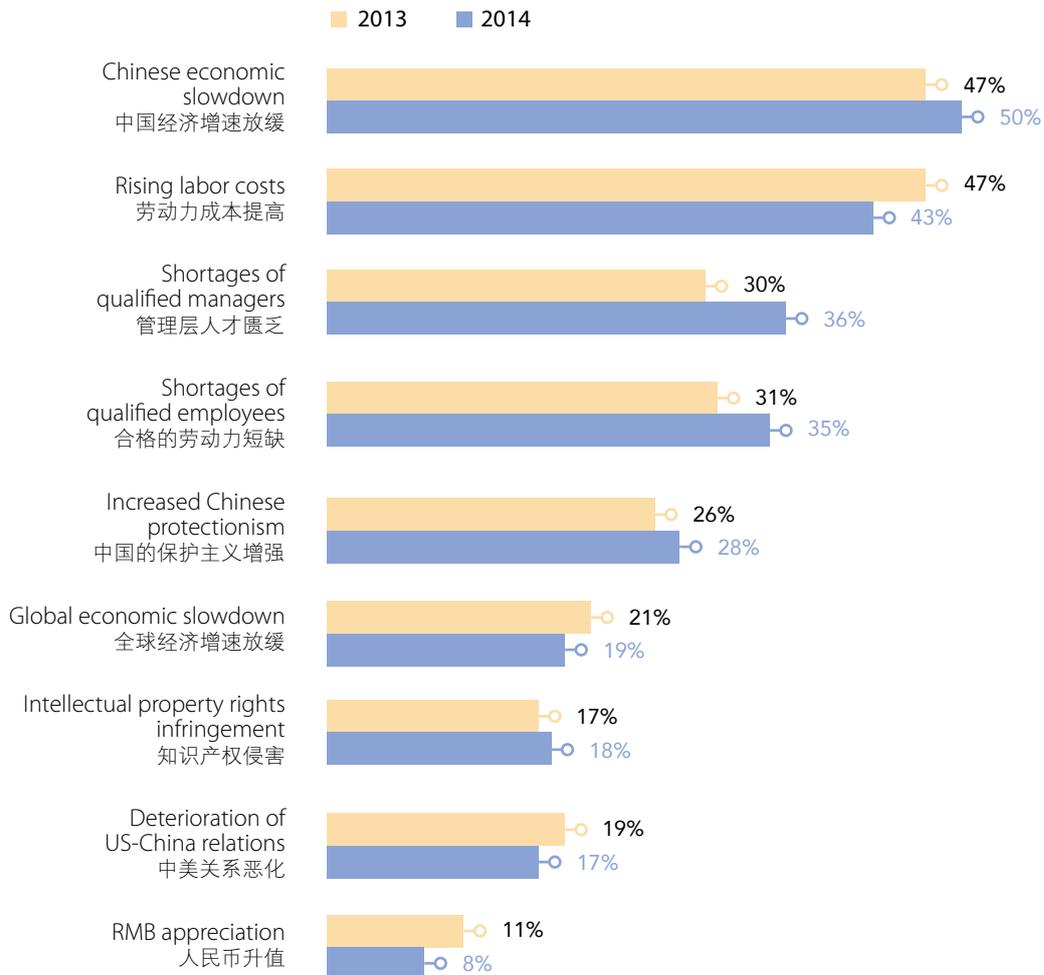
## Top Risk is Slowing Economy, Followed by Labor Costs

最大风险是经济放缓，其次是劳动力成本

For their existing operations in China, member companies view the slowing of China's growth rate as the greatest risk, followed by rising labor costs and human resource shortages.

就其目前在中国的运营而言，会员企业认为中国经济的增速放缓是最大风险，紧随其后的是不断增长的劳动力成本和人力资源短缺。

**Q** What do you think are the greatest risks facing your China organization? (2013, 2014) | 企业在华运营面临的主要风险 (2013-2014)



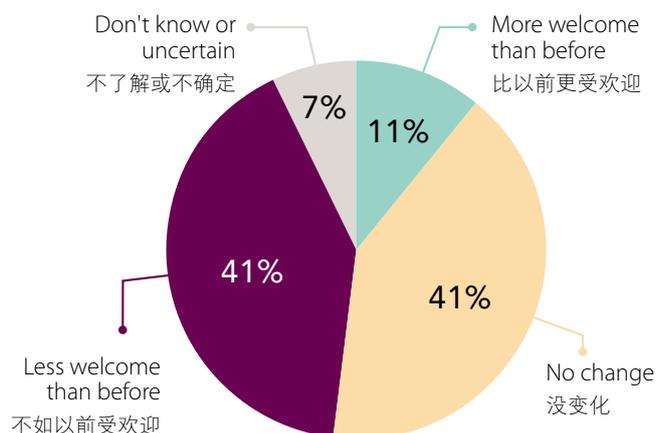
## Foreign Companies Feel Less Welcome 外资企业感觉受欢迎程度降低

Despite the positive role of foreign business in the development of China's economy over the past 30 years, two in five respondents perceive an environment less welcome than before. In addition, over 40 percent perceived no change, while just over 10 percent felt the environment was more welcoming.

尽管外资企业在中国过去 30 年的发展中起到了积极作用，但是 40% 的受访者感觉现在的受欢迎程度不如从前。超过 40% 的受访者感觉没有什么变化。而只有 10% 多一点的受访者感觉更受欢迎。

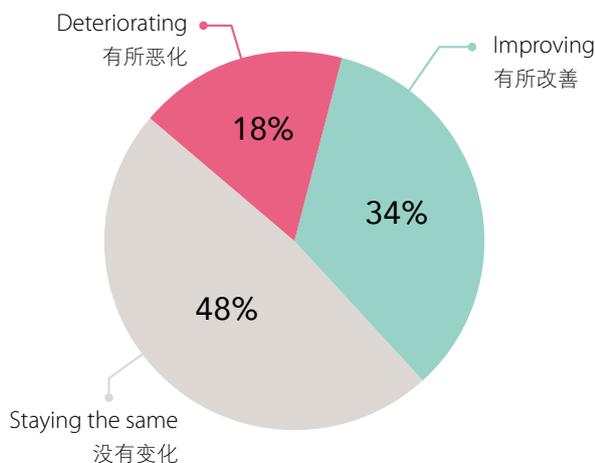
**Q** Do you feel foreign business is more or less welcome in China than before?

是否认为外资企业在中国受欢迎程度下降



## Stable to Improving Investment Environment 稳定与改善中的投资环境

**Q** The quality of China's investment environment is: | 中国投资环境状况



Despite the risks and concerns noted with regard to economic growth, market access limitations, rising costs, and shortages of qualified employees and managers, less than 20 percent describe the quality of China's investment environments as deteriorating, while more than 80 percent perceive the quality as improving or staying the same.

尽管对经济增速、市场准入限制、不断增长的成本以及合格员工和管理人员短缺等方面有风险和担忧，但是认为中国商务环境恶化的受访者不到 20%，80% 以上的受访者感觉中国的商务环境有所改善或未有变化。



## BUSINESS ENVIRONMENT

### 商务环境

**W**ith companies less sanguine about future economic opportunities in China, the business challenges become more apparent. Unclear laws and inconsistent application of them remains a key challenge, but once again labor costs remain the top concern, with costs in general recognized as the major contributor to China's perceived loss of competitiveness. Other difficulties that foreign businesses face include industrial policies that favor state-owned enterprises, internet censorship, and collecting and protecting data.

随着企业对今后中国经济机会的乐观程度下降，商业挑战日趋明显。法律不明确和执法不一致仍然是主要挑战，劳动力成本再次成为最大担忧，而综合成本则被认为是中国丧失竞争力的主要因素。外资企业面临的其它困难包括偏向国有企业的产业政策、互联网审查、以及数据采集和保护。

# Labor Costs and Unclear Regulations Hinder Business

## 劳动力成本和法规模糊不清阻碍业务发展

**Q Please rank your top five business challenges in China (2010-2014):** | 企业在华面临的首要运营挑战 (2010-2014 前五位)

2010	2011	2012	2013	2014	
Inconsistent regulatory interpretation/ Unclear laws 法律解释相互矛盾 / 法律不明确	Bureaucracy 官僚主义	Management-level human resources constraints 管理层人才匮乏	Labor costs 劳动力成本	Labor costs 劳动力成本	1
Management-level human resources constraints 管理层人才匮乏	Management-level human resources constraints 管理层人才匮乏	Inconsistent regulatory interpretation/ Unclear laws 法律解释相互矛盾 / 法律不明确	Inconsistent regulatory interpretation/ Unclear laws 法律解释相互矛盾 / 法律不明确	Inconsistent regulatory interpretation/ Unclear laws 法律解释相互矛盾 / 法律不明确	2
Obtaining required licenses 取得证照困难	Inconsistent regulatory interpretation/ Unclear laws 法律解释相互矛盾 / 法律不明确	Non-management level human resources constraints 缺乏合格的员工	Shortages of qualified employees 缺乏合格的员工	Shortages of qualified employees 缺乏合格的员工	3
Bureaucracy 官僚主义	Intellectual property rights infringement 知识产权侵权行为	Obtaining required licenses 取得证照困难	Corruption 腐败	Shortages of qualified management 管理层人才匮乏	4
National protectionism 国家保护主义	Corruption 腐败	Corruption 腐败	Shortages of qualified management 管理层人才匮乏	Obtaining required licenses 取得证照困难	5

For a second year, labor costs ranked as the No. 1 business challenge for respondents, with inconsistent regulatory interpretation and unclear laws, and shortages of qualified employees rounding out the top three. Human resources issues have featured consistently in the top challenges facing business in China over the past few years, and will be addressed in more detail in Section 3. Shortages of qualified management and licensing concerns complete the top five most pressing concerns for companies.

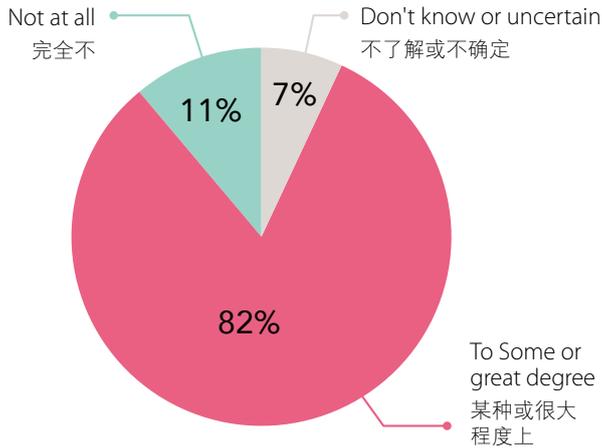
劳动力成本连续第二年被受访者列为其面临的头号商业挑战，加上法规解释相互矛盾和法律不明确，以及合格劳动力的短缺，共同成为前三大挑战。过去几年来，人力资源问题始终是在华业务发展面临的主要挑战，这一问题将在第3部分得到更为详细的说明。管理人才的短缺和对证照申请的担忧，共同构成了企业的五项最大担忧。

## China's Cost Advantages Continue to Weaken

### 中国的成本优势继续减弱

**Q** Do you feel that China is losing competitive advantages due to rising costs?

企业是否认为成本的持续上涨导致中国失去竞争力



For three consecutive years, companies have perceived China as losing competitiveness. This year, over 80 percent of member companies view China as losing its competitive advantages to some or a great degree due to rising costs.

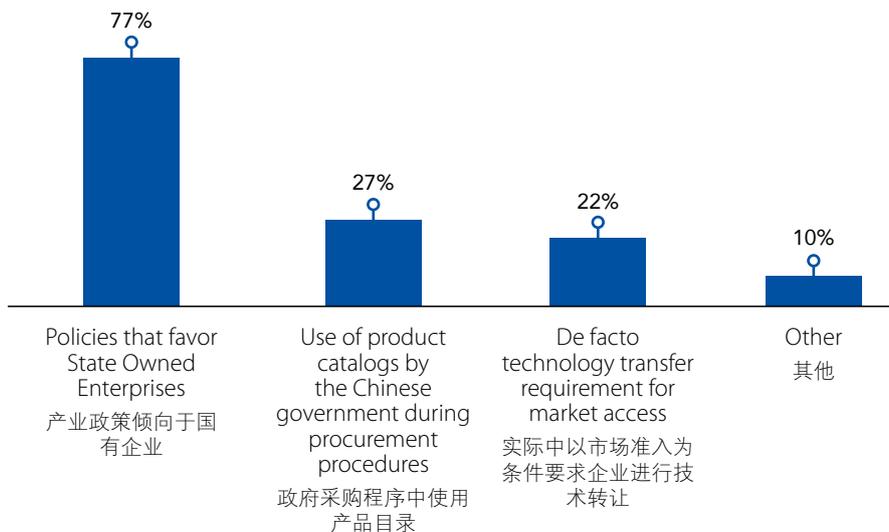
连续三年来，企业均感觉中国正在丧失其竞争力。今年超过 80% 的会员企业认为由于成本不断增长，中国正在某种程度或很大程度上丧失其竞争力。

## SOE Favoritism Identified as the Most Detrimental Industrial Policy

### 偏向国有企业被认为是最有害的产业政策

**Q** Which of the following industrial policies negatively affect your company? (Please choose all that apply)

选出下列不利于企业的产业政策（可多选）



State-owned enterprises have increased their control over large swathes of the economy in the past few years, and government support for SOEs was overwhelmingly selected as the most negative industrial policy, being chosen more frequently than all the other options combined.

过去几年来，国有企业提高了对经济基本面的控制，而政府对国有企业的支持被压倒性地选作最负面的产业政策，其比率超过了其它所有选项之和。

# Internet Censorship Continues to Impede Business

## 互联网审查继续阻碍业务发展

The number of businesses who view internet censorship as a hurdle to company operations continues its upward trend. Furthermore, two in three respondents noted the blocking of search engines negatively or somewhat negatively impacts their ability to conduct business.

认为互联网审查阻碍公司运营的企业数量继续呈上升趋势。67%的受访者指出封闭搜索引擎对公司业务造成了负面影响或有些负面影响。

**Q To what degree does Internet censorship of content impact your company's ability to conduct business normally in China? (2010-2014)**

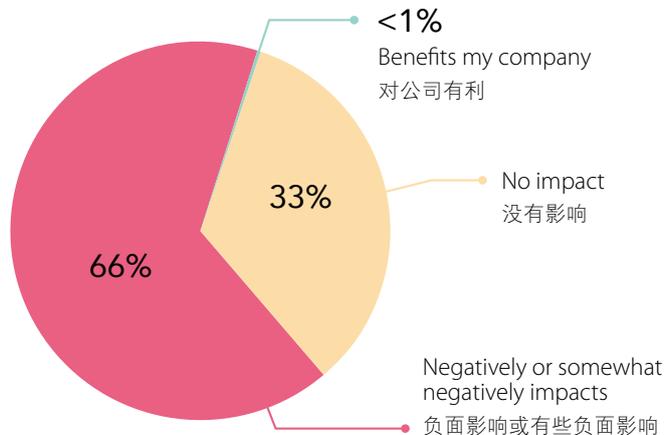
互联网审查对企业正常运营产生的影响 (2010-2014)



\* "Benefits my company" category omitted 该图未包含选项为“对公司有益”的数据

**Q To what degree does the blocking of Internet search engines impact your company's ability to conduct business normally in China?**

屏蔽互联网搜索引擎对企业正常运营产生的影响



## Difficulty Obtaining Credible Data Hinders M&A Transactions

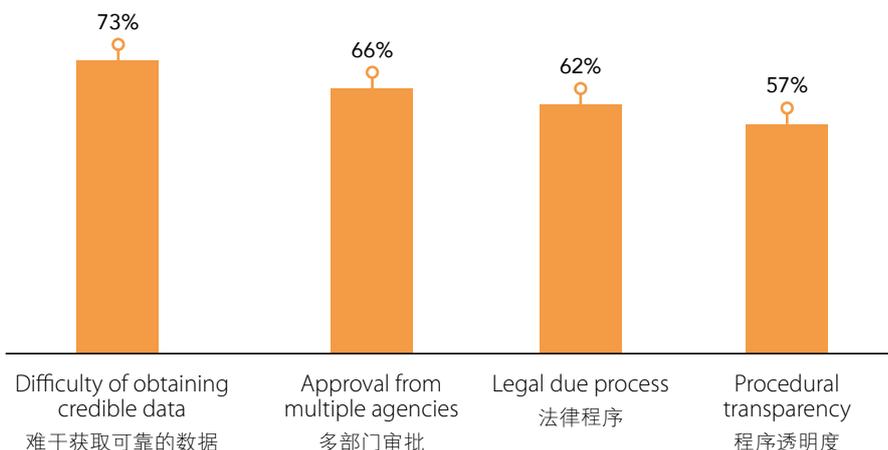
### 难以获得可靠数据阻碍并购交易

Of the respondents who have undertaken a merger or acquisition in the past two years, 49 percent were able to complete the consolidation process. This year showed that obtaining credible data is the primary obstacle for M&A transactions, followed by challenges associated with multi-agency approvals, legal due process, and procedural transparency.

过去两年来进行过合并或收购的受访者中, 49% 完成了整合过程。今年的调查显示, 无法获得可靠的数据是并购交易的主要障碍, 其次是多部门审批、法律程序、及程序透明度等问题。

**Q** In the last two years, what are the biggest obstacles for pursuing M&A transactions in China? (Please rank your top 3)

在过去的两年中, 进行企业并购时遇到的最大障碍 (前三位)

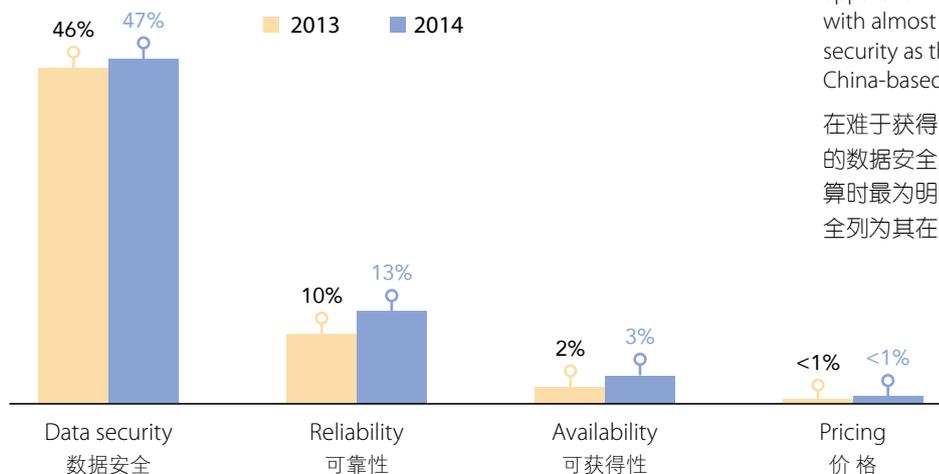


## Businesses Remain Concerned Over Data Security

### 企业仍然担心数据安全

**Q** What is your greatest concern about using China-based cloud computing? (2013, 2014)

企业对使用基于中国的云计算业务的最大担忧 (2013, 2014)



As well as finding it difficult to access credible data, companies are also concerned about protecting their own data. This was most apparent when discussing cloud computing, with almost half of all respondents citing data security as their overwhelming concern about China-based cloud computing.

在难于获得可靠数据的同时, 企业也对自己的数据安全表示担忧。这种担忧在讨论云计算时最为明显, 几近一半的受访者把数据安全列为其在中国进行云计算时最担忧的问题。

\* "N/A or don't know" category omitted 该图未包含选项为“不清楚或不知道”的数据

## Two in Five Believe Foreign Firms Targeted by Government Campaigns

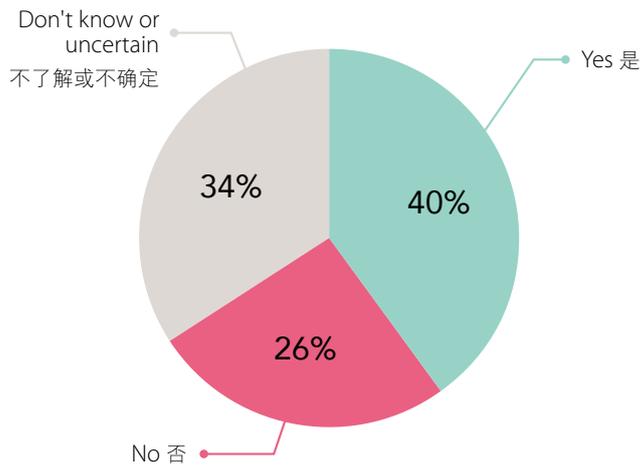
### 40% 的受访者认为外资企业是政府专项行动针对的目标

In 2013, numerous companies were investigated by the government, generating a great deal of media attention. While investigations also included Chinese companies, 40 percent of respondents perceived that foreign companies were being singled out in pricing and anti-corruption campaigns.

2013 年，许多企业遭遇政府调查，引起了媒体的大量关注。尽管调查对象也经常包括中资企业，但是 40% 的受访者感觉在价格和商业反腐败专项行动中，外资企业成为突出目标。

**Q** Do you believe foreign firms are being singled out in the recent pricing or anti-corruption campaigns?

是否外资企业在定价或反腐活动中被刻意挑出





## HUMAN RESOURCES 人力资源

**H**uman resources issues are an enduring challenge for AmCham China members, so this year we have created a new section in the Business Climate Survey report to focus on this area. The data show that finding and keeping employees, particularly managers, is a major challenge for foreign companies. This leads to an inevitable growth in labor costs, noted earlier as not only a major risk to companies' operations, but also the competitiveness of China as a whole. Moreover, new visa laws and air quality challenges show increasing difficulties in attracting and retaining talent.

人力资源问题是中国美国商会会员企业面临的一项持久挑战，因此今年的《商务环境调查报告》中新设立了一个部分关注这一领域。数据显示，招聘并留住员工，尤其是管理人员，是外资企业的一个主要挑战。这就导致劳动力成本不可避免地增长。正如前面提到的，劳动力成本不仅对企业运营而且对中国的整体竞争力都是一个主要风险。此外，新的签证法规和空气质量问题都显示出在吸引并留住人才方面日益增加的难度。

# Limited Talent Supply Raises Costs

## 人才供应不足加大了成本

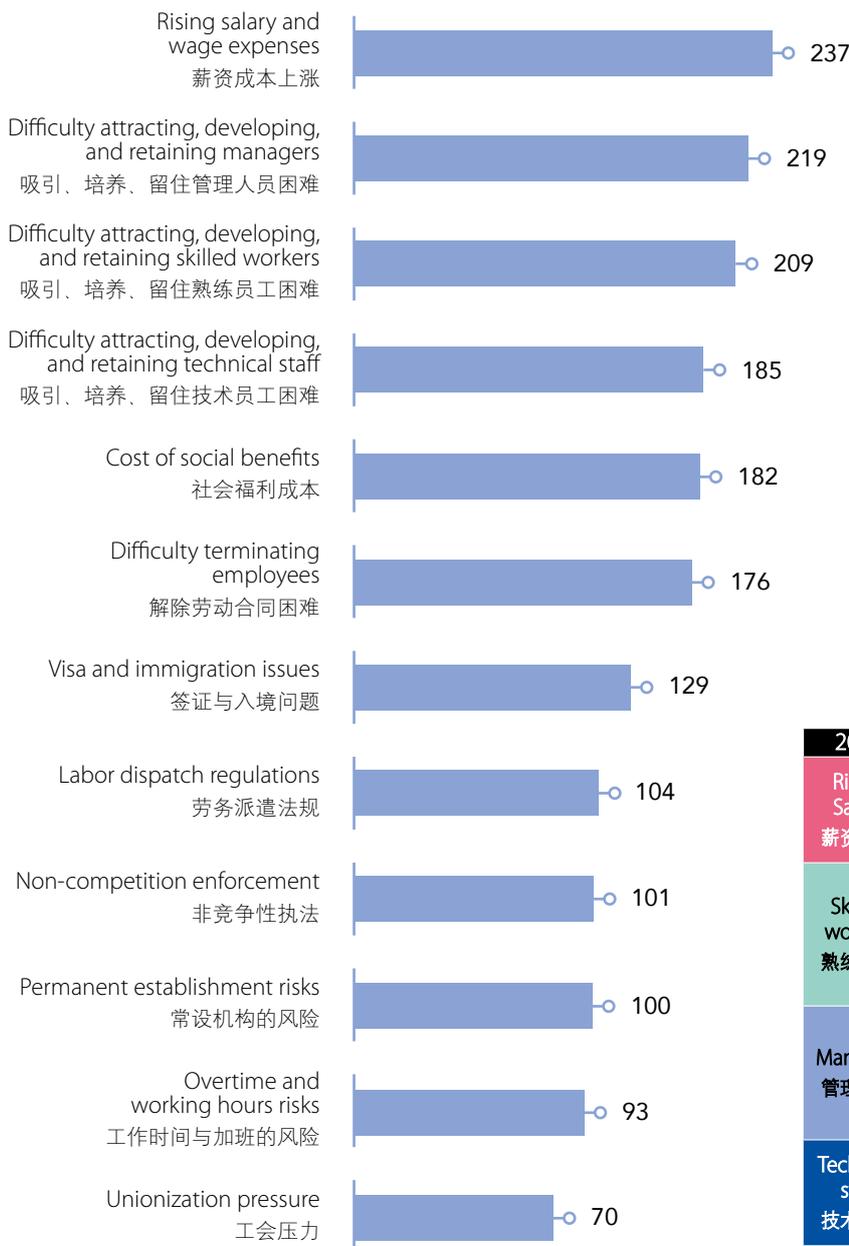
For the fourth straight year, labor costs are the No. 1 human resource challenge for AmCham China members. Finding and keeping effective managers is the second biggest concern, followed by skilled and technical staff. Concern over the cost of social benefits completes the top five.

连续第四年，劳动力成本都是中国美国商会会员企业的头号人力资源挑战。招聘并留住有效的管理人员位居第二，第三位是发现并留住熟练技术员工。加上对社会福利成本的担忧，以上构成了人力资源领域前五大挑战。

### Q How do the following human resources issues affect your business operations in China?

下列与人力资源相关的问题如何影响企业的在华运营

#### ■ Caused negative impact or material damage 造成负面影响或实质损害



	2011	2012	2013	2014	
	Rising Salary 薪资上涨	Rising Salary 薪资上涨	Rising Salary 薪资上涨	Rising Salary 薪资上涨	1
	Skilled workers 熟练员工	Skilled workers 熟练员工	Social benefits 社会福利	Managers 管理人员	2
	Managers 管理人员	Managers 管理人员	Skilled workers 熟练员工	Skilled workers 熟练员工	3
	Technical staff 技术员工	Social benefits 社会福利	Terminating employees 员工解聘	Technical staff 技术员工	4

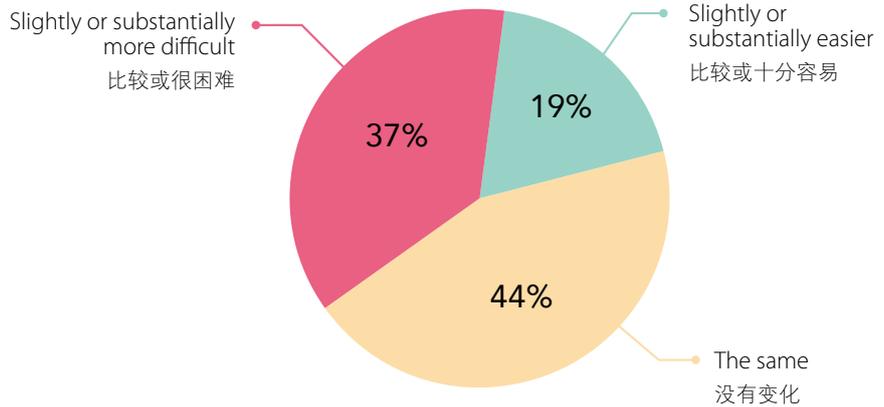
## Foreign Workers Face Increased Visa Difficulties in China 外籍员工在华签证更加困难

After the introduction of new visa rules during the past year, nearly twice as many respondents said it was more difficult to get a visa or work permit than said it was easier. Of the various new challenges presented, increased delays and holding times for passports was overwhelmingly chosen as the primary obstacle.

去年出台新的签证规定后，称获得签证或工作许可证更加困难的受访者是称更容易获得的受访者的二倍。在受访者提出的各种新挑战中，办手续时间增加和护照的收存时间成为压倒性的主要障碍。

**Q Was it easier this year for your expatriate employees to get visas and work permits?**

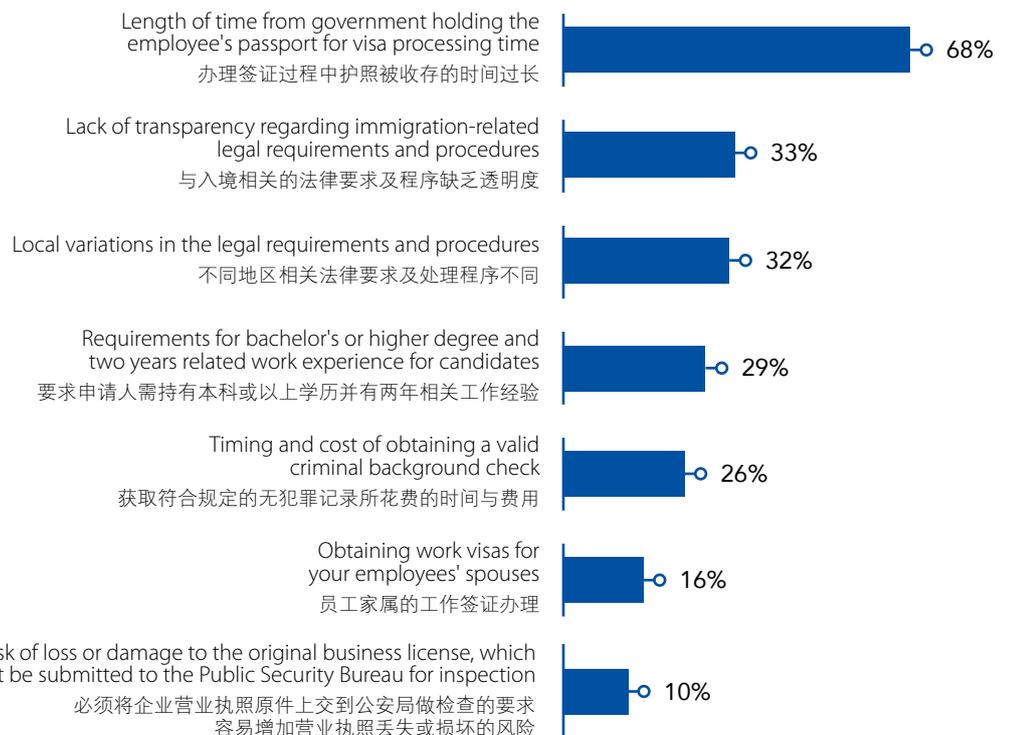
今年外籍员工是否更容易获得签证或工作许可



## Passport Holding Times Hinder Foreign Workers 护照收存时间影响外籍员工

**Q Since the new visa law and regulations came into effect in July and September 2013 (Foreigner Exit-Entry Administration Regulations of the PRC), what have been the greatest obstacles in obtaining visa and work permits for expatriate employees? (Please choose up to three)**

自2013年7月及9月的新签证政策开始实施后（《中华人民共和国外国人出入境管理法》），外籍员工获得签证或工作许可面临的障碍是什么（最多选择三项）



# Air Quality Increasingly Limits Executive Recruitment

## 空气质量越来越影响高管招聘

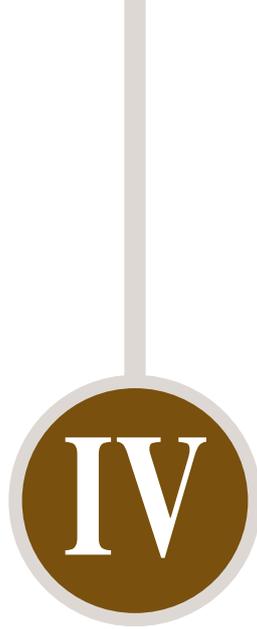
The proportion of companies reporting that air quality is a difficulty in recruiting and retaining senior executive talent rose to nearly half in this year's survey. As labor costs rise and companies continue to face difficulty recruiting managers, air quality concerns may be an increasingly important factor.

在今年的调查中，几乎一半的受访企业表示空气质量是招聘并留住高管人才的一个障碍。随着劳动力成本增加及公司继续面临管理人员招聘困难，对空气质量的担忧可能成为日益重要的因素。

**Q** Have you or your organization experienced any difficulties in recruiting or retaining senior executive talent to work in China because of air quality issues?

企业是否经历过由于中国空气质量问题在招聘高管人才时遇到困难





# IV

## LICENSING AND INTELLECTUAL PROPERTY 证照申请和知识产权

**W**hile human resources and many of the challenges of doing business in China impact all companies, some issues are of acute concern to foreign business. Among the leading concerns is the ability of foreign companies to secure licenses to conduct their operations here, with respondents suggesting that the situation is deteriorating. Member companies also show misgivings about the protection of their intellectual property, which can be extracted through technology transfer requirements or simply stolen, though improvements in this area are acknowledged.

人力资源和在华经营面临的各种挑战影响着所有的企业，此外，外资企业还面临其他尖锐的问题。其中包括外资企业能否获得在华业务运营许可的问题，有受访者暗示情况在恶化。会员企业还对其知识产权保护表示担忧，尽管此领域的改善已有目共睹，但是知识产权仍旧能够通过技术转让要求被获取或直接被盗取。

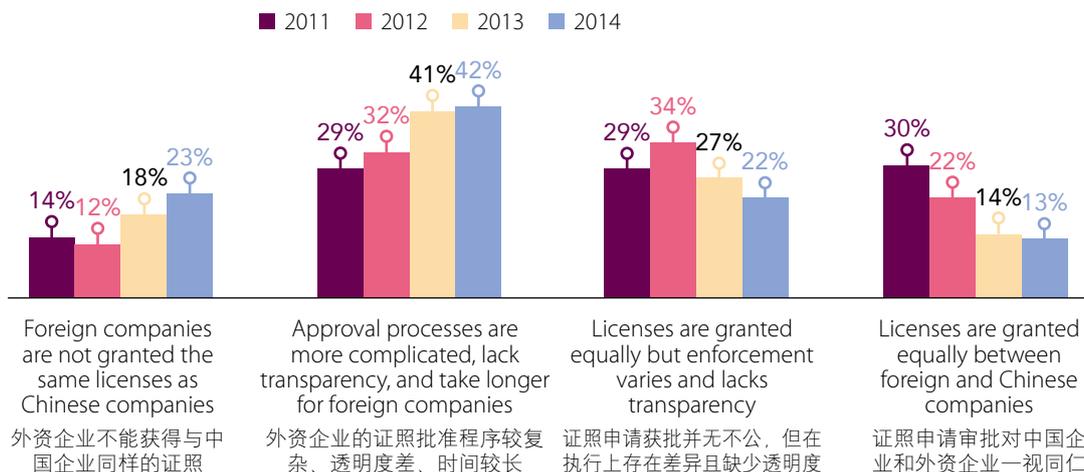
## Concerns Over Unequal Treatment in Licensing are Growing

### 对证照申请的不平等待遇更加担忧

The results increasingly suggest that licensing is perceived as an unfair competitive tool against foreign companies. Fewer respondents than ever believe that licenses are granted equally between foreign and Chinese companies.

调查结果表明，证照申请被认为是针对外资企业的不公平竞争工具。与以往相比，认为证照申请获批对内外资企业公平一致的受访者数量达到新低。

#### Q How are license approvals handled in your industry? (2011-2014) | 企业所在产业相关许可申请情况 (2011-2014)



Foreign companies are not granted the same licenses as Chinese companies  
外资企业不能获得与中国企业同样的证照

Approval processes are more complicated, lack transparency, and take longer for foreign companies  
外资企业的证照批准程序较复杂、透明度差、时间较长

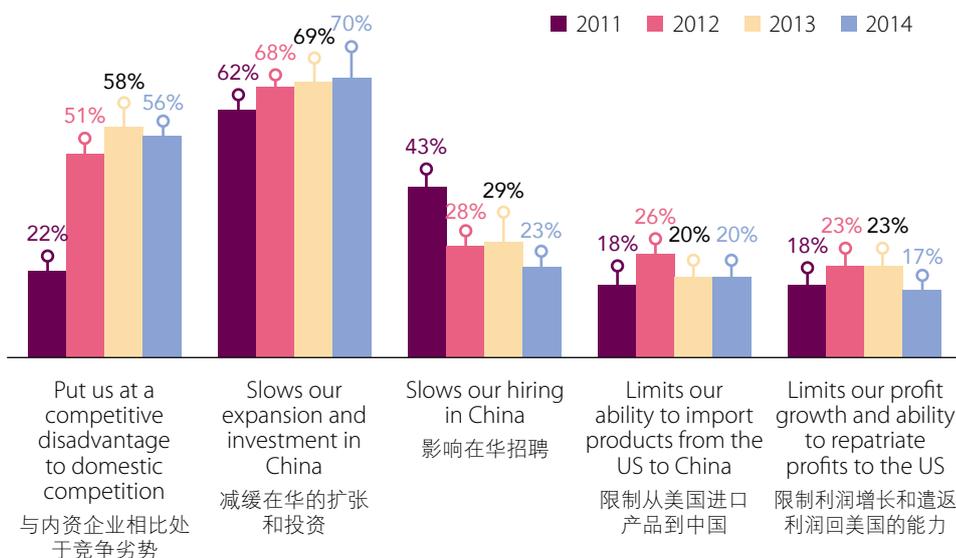
Licenses are granted equally but enforcement varies and lacks transparency  
证照申请获批并无不公，但在执行上存在差异且缺少透明度

Licenses are granted equally between foreign and Chinese companies  
证照申请审批对中国企业和外资企业一视同仁

## Licenses Limit Foreign Companies' Ability to Compete

### 证照申请限制了外资企业的竞争能力

#### Q How do licensing requirements impact your business? (2011-2014) (Check all that apply) | 证照申请的要求是如何影响企业的在华业务 (2011-2014) 可多选



Put us at a competitive disadvantage to domestic competition  
与内资企业相比处于竞争劣势

Slows our expansion and investment in China  
减缓在华的扩张和投资

Slows our hiring in China  
影响在华招聘

Limits our ability to import products from the US to China  
限制从美国进口产品到中国

Limits our profit growth and ability to repatriate profits to the US  
限制利润增长和遣返利润回美国的能力

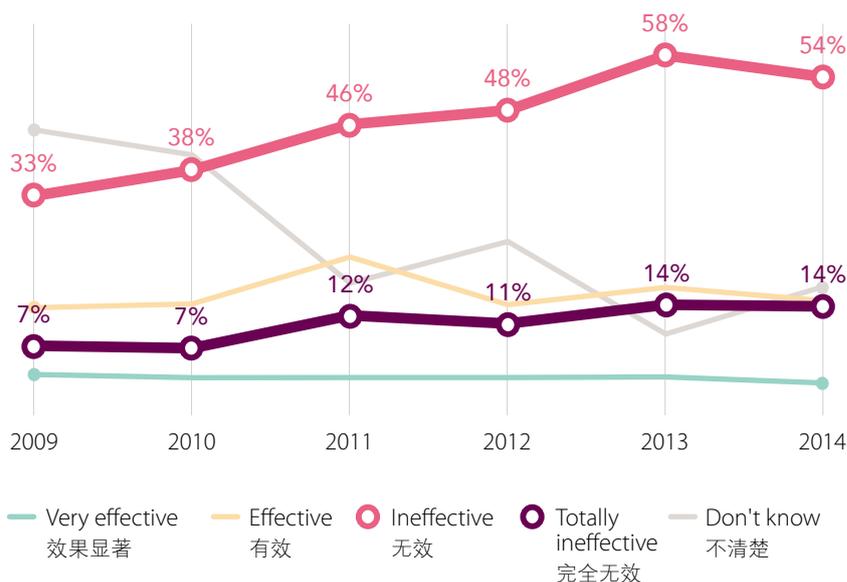
Member companies view license approvals as a key component of their ability to access the market and compete in China. A strong trend shows that member companies view the top impact of licensing requirements is to slow down their expansion and investment, and put them at a competitive disadvantage to domestic competition in the Chinese market.

会员企业认为证照审批是影响其进入中国市场及在华竞争能力的关键因素。很多会员企业认为证照申请条件的最大影响就是减缓了其在中国市场的扩展和投资，使他们在国内竞争中处于不利地位。

## Disappointment Over IPR Enforcement Remains High... 对知识产权执法的失望情绪仍然很高.....

**Q** How would you rate China's enforcement of IPR? (2009-2014)

对中国知识产权执法情况的评价 (2009-2014)



The majority of respondents still characterize IPR enforcement in China as ineffective or totally ineffective. As more companies have shown awareness of intellectual property enforcement in China, they have increasingly described the enforcement actions as ineffective.

大多数受访者仍然把中国的知识产权执法描述为无效或完全无效。随着更多企业开始了解中国的知识产权执法，他们愈发认为这方面的行动无效。

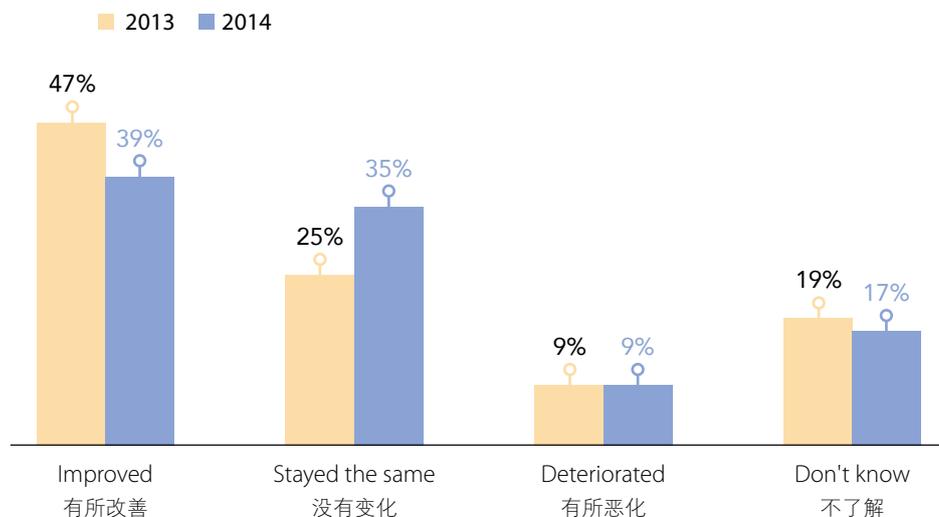
## ...Although Improvements are Recognized .....但进步得到认可

While the proportion of respondents noting a long-term improvement in the intellectual property environment declined, two in five still believe China's enforcement of IPR is better than five years ago. Fewer than one in 10 believes it has deteriorated, and the proportion that believes the situation is unchanged rose sharply.

虽然认为中国长期知识产权保护有所改善的受访者比例下降，但仍有 40% 的受访者认为中国过去五年来的知识产权执法有了进步，认为其恶化的不到 10%，认为没有变化的比例则大幅上升。

**Q** In the last five years, China's enforcement of IPR has: (2013, 2014)

过去五年中国在知识产权方面的执法情况



## Company Name Protection and Trade Secrets Rising Concerns

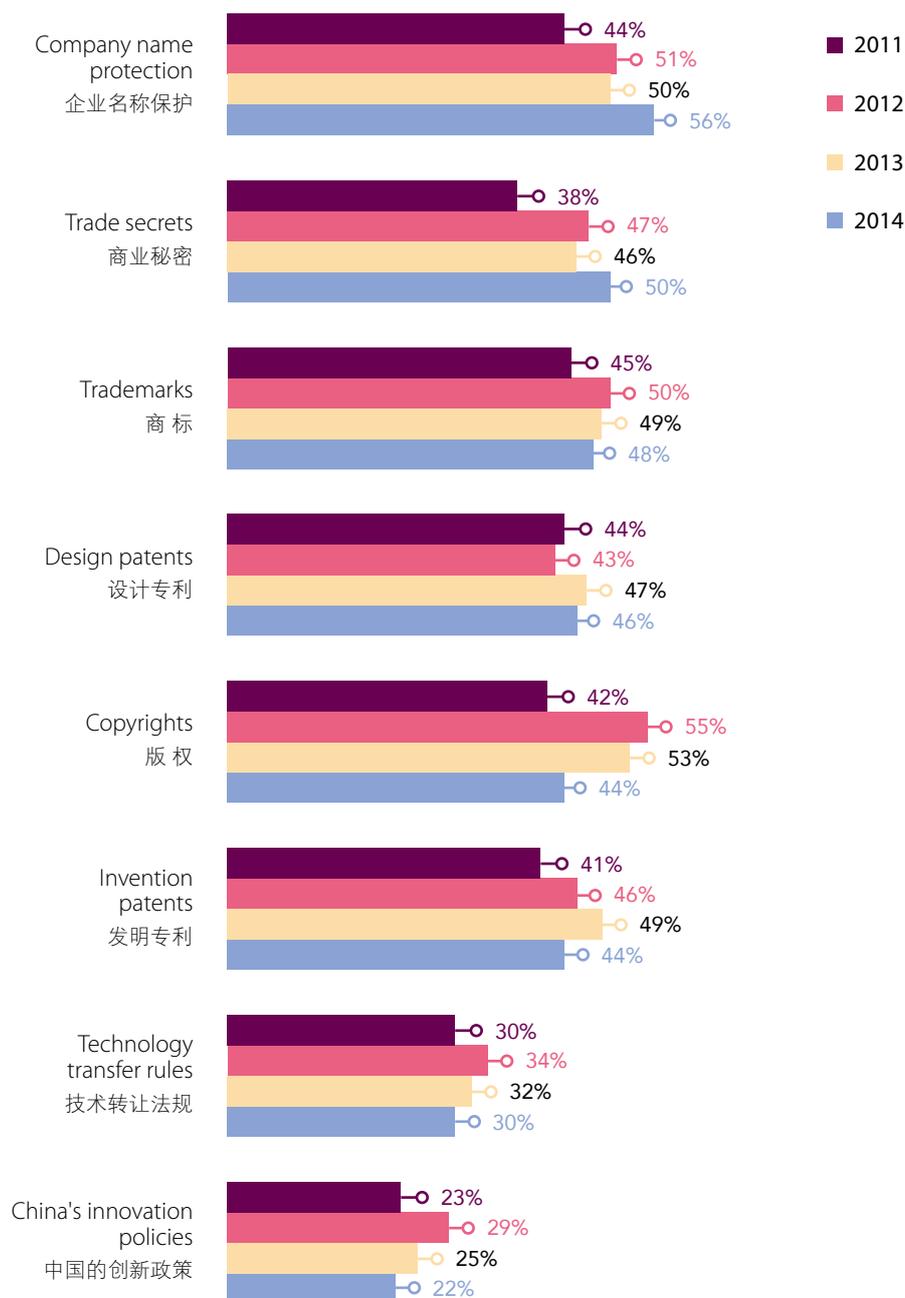
### 对公司名称保护及商业秘密的担忧日益增大

This year saw an increase in member companies' attention to new and potentially more intricate IP issues. Over the past four years, the importance placed upon company name protection and trade secrets has steadily increased, as well as being the first and second most selected aspects of IP this year, respectively. Trademarks completed the top three most important issues regarding member companies' intellectual property.

会员企业今年更关注新型的和可能更具复杂性的知识产权。过去四十年里，对于公司名称和商业秘密保护之重要性的认识呈稳步增长态势，此两项也位列今年本调查中知识产权保护方面最重要问题的前两位。位列第三的是针对商标的知识产权保护。

**Q Please rank the following in terms of their importance with regard to protecting your company's intellectual property (2011-2014)**

从保护企业知识产权角度出发，按照重要程度排列以下各个因素 (2011-2014)



## Courts are a Less Satisfactory Avenue for Member Companies

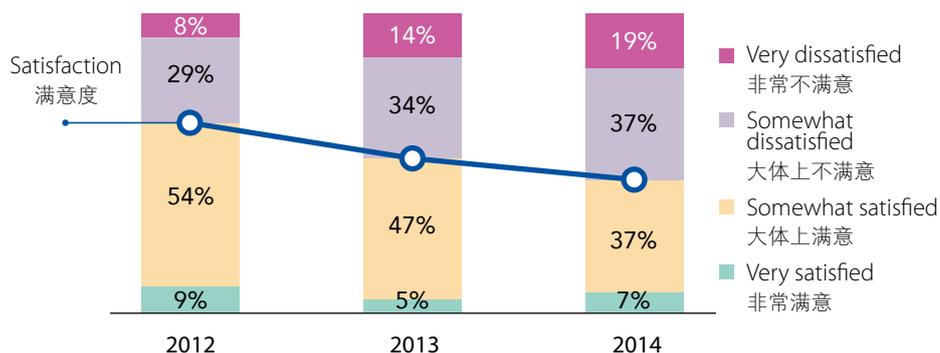
### 会员企业对法院的满意度降低

Recent developments relating to IP courts are of strong interest to members, though the number of respondents who were somewhat or very satisfied with court actions against IPR infringements have dropped steadily from a high of 63 percent to 44 percent over the past three years.

会员企业对与知识产权法院相关的最新进展非常关注，尽管对中国法院针对知识产权侵权行为所采取的行动表示大体上满意或非常满意的受访者数量在过去三年来从 63% 逐年下降到目前的 45%。

**Q** IF you have brought any infringements to COURT, how satisfied were you with the actions of the Chinese courts? (2012-2014)

企业将侵权行为诉诸法律时对中国法院执法情况的满意程度 (2012-2014)



## Though Companies Still View Administrative Actions Positively

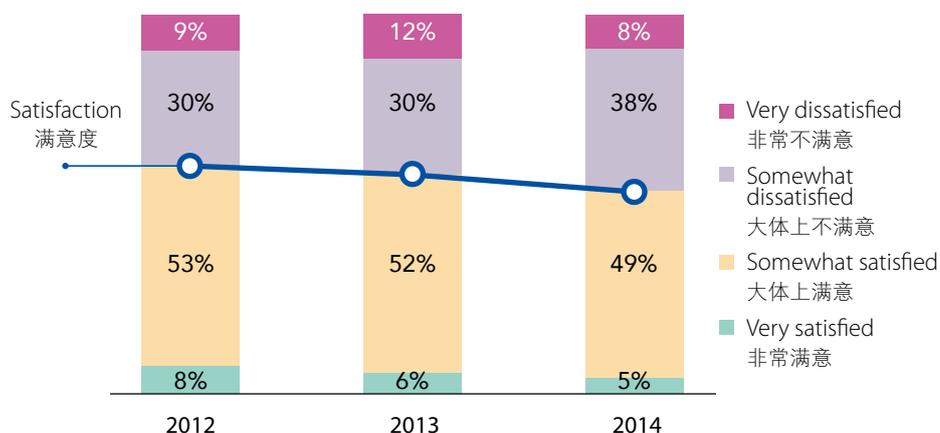
### 企业仍然积极看待行政执法

Satisfaction with administrative actions regarding IP enforcement declined for a second year, but still just over half of respondents are somewhat or very satisfied with measures taken by Chinese officials.

对于知识产权行政执法的满意度连续二年有所下降，但仍有略超 50% 的受访者对中国政府部门采取的措施表示大体满意或非常满意。

**Q** IF you have taken ADMINISTRATIVE action, how satisfied were you with the actions of the relevant Chinese officials? (2012-2014)

企业对行政执法中中国政府官员工作情况的满意程度 (2012-2014)



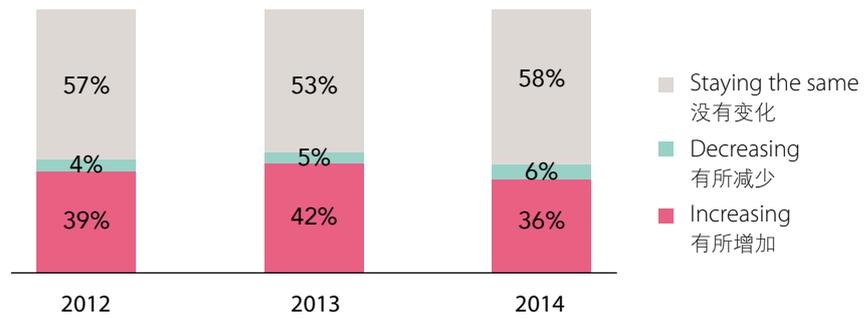
## Data Breaches Remain a Concern

### 数据泄漏仍令人担忧

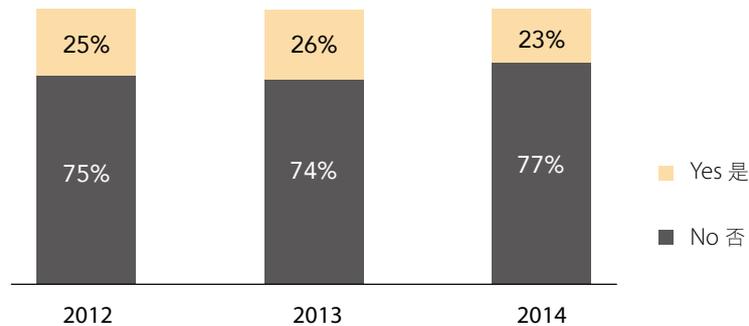
Regarding data breaches, which could include all types of data and methods of removal, the responses are consistent over the past three years. Those who believe the risk is increasing outnumber those who believe it is decreasing by more than six to one, a slight improvement over the previous year.

关于数据泄漏，包括各种类型的数据和数据消除方法，受访者的回答在过去三年保持一致。认为风险在增加的受访者超过了认为风险在降低的受访者，比例为 6:1，较上一年略有改善。

**Q** In your experience, the risk of a data breach to your China operations or risk of unauthorized access to your company's data is: (2012-2014) | 您认为公司在华运营数据受到破坏或遭受未经许可访问的风险为 (2012-2014)



**Q** Have proprietary data or trade secrets from your China operations been breached or stolen? (2012-2014) | 在华运营的数据或商业秘密是否出现过被破坏或盗用的现象 (2012-2014)





## OUTLOOK 前景展望

In the summer of 2013 the Chinese government announced the establishment of a pilot free-trade zone in Shanghai, and that negotiations on a bilateral investment treaty with the United States would be rekindled. Later in the year, the Third Plenum meeting of the Chinese Communist Party generated further high expectations for significant economic reform. Buoyed by this ambitious reform agenda, the significant majority of AmCham China members are optimistic about the short-term business outlook, with cautiously positive expectations for the Shanghai Pilot Free Trade Zone and a future bilateral investment treaty between the US and China.

2013年夏，中国政府宣布在上海建立自由贸易试验区，并将重启与美国的双边投资协定谈判。2013年底，中国共产党十八届三中全会使人们对重大经济改革有了更高的预期。政府锐意改革的计划使中国美国商会绝大多数会员企业对短期的商务前景保持乐观态度，但对上海自由贸易试验区和未来中美双边投资协定则持谨慎乐观的态度。

## Optimism Remains Strong, Though Signs of Cooling

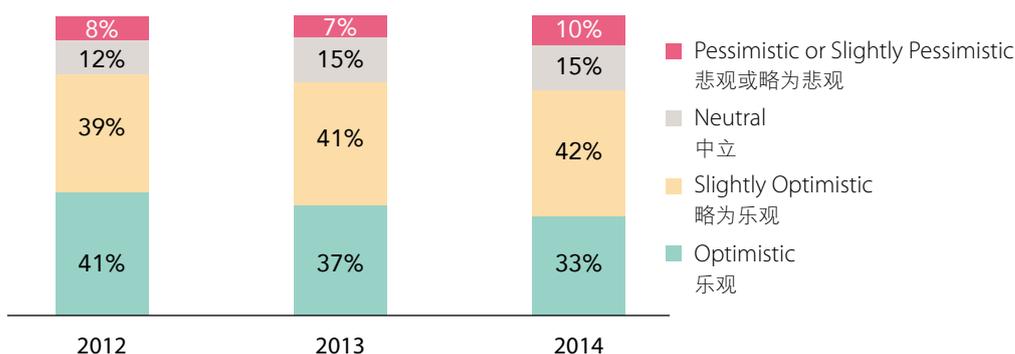
虽有降温迹象，乐观态度依然强劲

Three in four companies are optimistic or slightly optimistic about their two-year business outlook in China.

四分之三的企业对中国今后两年的业务前景表示乐观或略为乐观。

**Q** How would you describe your two-year business outlook in China? (2012-2014)

企业对其未来两年在华商业前景的预期



## Wait-and-See View on Shanghai Free-Trade Zone

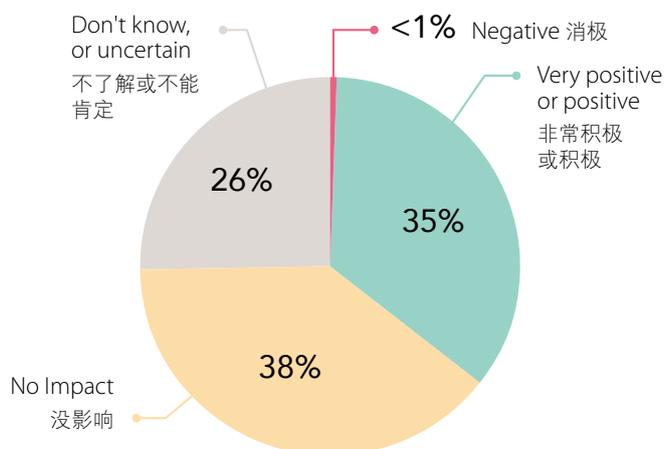
上海自由贸易区的发展有待观察

With reform expectations high, the spotlight is very much on the China (Shanghai) Pilot Free Trade Zone as an indication of how economic reforms might progress. For this reason, the Business Climate Survey included a question this year gauging members' perceptions of the zone. Bearing in mind the survey was conducted late in 2013, when little information on the zone was available, it's perhaps unsurprising that respondents were uncertain of the impact. While more than a third expects a positive impact, another third expect no impact and a quarter don't yet know.

对于改革前景的高度期待，使得中国（上海）自由贸易试验区作为未来经济改革发展的风向标而受到广泛关注。所以，今年的商务环境调查增设了一个问题，以考察会员对自贸区的理解。考虑到本调查开展于2013年末，当时对于自贸区可供参考的信息十分有限，所以受访者对于其可能产生的影响感到不确定，也就不足为奇了。超过三分之一的受访者对自贸区可能产生的影响持乐观态度，另有四分之一暂不确定其影响。

**Q** What are your expectations for the upcoming Shanghai Free Trade Zone on your company's operations?

企业如何预期上海自由贸易区对自身运营的影响



# Optimism for the US-China BIT

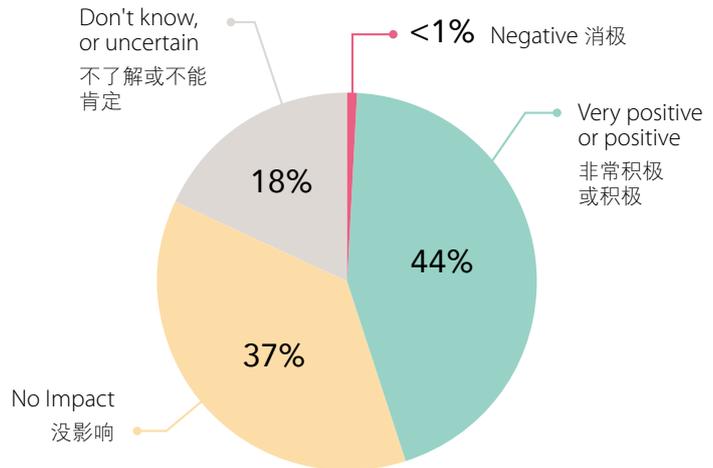
## 对中美双边投资协定持乐观态度

A bilateral investment treaty between the US and China could also have very far-reaching effects, not only for the bilateral relationship but also for China's reform agenda. For this reason a question was added to this year's survey addressing members' attitudes toward a BIT. While 44 percent of respondents have positive or very positive expectations, the speed and direction of negotiations are still unclear, and those expecting no impact or are uncertain remain in the majority.

中美建立双边投资协定不仅对双边关系，而且对中国的改革议程都极具深远影响。正因为此，今年的调查增设了对中美投资协定的问题，以了解会员的态度。44%的受访者对此持积极或非常积极的态度。由于谈判的进度和方向还不明确，选择没有影响或对其影响不确定的受访者仍居大多数。

### Q What are your expectations for a US-China Bilateral Investment Treaty on your company's operations?

企业如何看待中美双边投资协定对运营的影响



## Survey Profile

**Respondents:** 365

### Position

- 63% Senior-level country management
- 15% Director or functional leader of other department
- 8% Director of government relations or public relations department
- 8% Other
- 6% Chief Representative

### Sector

- 45% Services
- 21% Manufacturing
- 11% Information technology equipment and services
- 9% Other
- 8% High-tech
- 6% Retail, distribution, and logistics

**Business Type** (more than one option allowed)

- 72% Wholly-owned foreign enterprise
- 29% Representative Office
- 26% Joint Venture
- 25% Regional/branch office
- 14% R&D Center
- 13% Regional Headquarters
- 10% Holding company
- 9% Management company
- 2% Global headquarters
- 2% Other
- 2% Foreign-invested company limited by shares

## 商务调查说明

受访者总数：365人

### 职务情况

- 中国区总经理，高级管理人员占 63%；
- 部门总监或职能部门领导占 15%；
- 政府关系或公共关系总监占 8%；
- 其他占 8%；
- 首席代表占 6%

### 行业分布

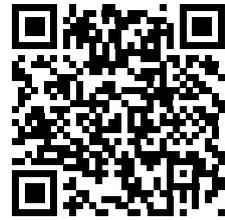
- 服务业占 45%；
- 制造业占 21%；
- 信息技术设备和服务业占 11%；
- 其他占 9%；
- 高科技企业占 8%；
- 零售、分销和物流业占 6%

公司类型（可多选）

- 外商独资企业占 72%；
- 代表处占 29%；
- 中外合资企业占 26%；
- 区域办公室或分支机构占 25%；
- 研发中心占 14%；
- 区域总部占 13%；
- 控股公司占 10%；
- 管理公司占 9%；
- 全球总部占 2%；
- 其他占 2%；
- 外国投资股份有限公司占 2%

The survey was conducted in November and December of 2013. Where necessary, results have been adjusted to remove "n/a" or "don't know" to highlight the concerns of members. This year's entire survey and data results can be downloaded without cost to AmCham China members, or for RMB350 to non-members, at: [www.amchamchina.org](http://www.amchamchina.org).

本调查于 2013 年 11 月至 12 月之间进行。为了突显会员对某些问题的关切，结果中“不适用”或“不清楚”的选项未被包含在内。本年度完整的报告可供会员在中国美国商会官网 [www.amchamchina.org](http://www.amchamchina.org) 免费下载，非会员下载则须支付人民币 350 元。



The entire survey and data results can be downloaded at [www.amchamchina.org/businessclimate2014](http://www.amchamchina.org/businessclimate2014)

# AmCham China

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