

## AmCham China's 2021 Policy Priorities

US and China economic relations remain deeply intertwined. Two-way bilateral trade in goods totaled US \$560 billion in 2020, despite the US-China trade war and the shock from the COVID-19 pandemic.<sup>1</sup> Indeed, in November alone Chinese exports to America reached US \$51.9 billion, a monthly record.<sup>2</sup> China's market is an important market for US products and services, including high-tech sectors like civil aviation and healthcare. China is a key supplier of a vast array of products and components, often at low cost, which delivers benefits to US producers and consumers.

The foreign business community faced twin challenges from a deteriorating US-China relationship and the COVID-19 pandemic in 2020. COVID-19 created a continuing and unprecedented global economic and humanitarian challenge. Additionally, COVID-19 ignited conversations in the US and China about supply chain security, reshoring, and domestic production of critical technologies. Economic shutdowns, widespread lockdowns and other and COVID-19 control policies in China imposed acute operational challenges on the foreign business community. These factors, on top of a broader deterioration of the bilateral relationship in almost all aspects, combined to create a deeply uncertain policy environment for foreign-invested enterprises (FIEs) in China. Consequently, in our 2021 *China Business Climate Survey Report* (BCS), respondents overwhelmingly cited "rising tensions in US-China relations" as their top challenge.

AmCham China continues to support the goals of the *US-China Economic and Trade Agreement* (Phase One Agreement) signed on January 15, 2020 and intended to reorient the bilateral economic relationship. Over 50 percent of respondents to the 2021 BCS report that the Phase One Agreement has played a role in mitigating the negative impacts of bilateral trade tensions. Implementation has been generally positive but uneven; we have seen progress in sectors like financial services where there have been important openings in 2020, and in food and agriculture where certain restrictions on the import of some US goods have been lifted. Other areas, such as purchases of US goods and services, remain off-track, in part hampered by the COVID-19 pandemic.<sup>3</sup> We remain committed to supporting implementation of the Phase One Agreement and other bilateral trade efforts by providing objective information to both governments and advocating for practical and workable solutions to the challenges facing the foreign business community.

We remain opposed to any effort at outright decoupling of the US-China relationship. The costs of decoupling from losing trade and foreign investment benefits for both countries would be significant and unlikely to generate clear winners. We respect the legitimate needs of both countries to define and protect their national security and law enforcement interests and urge them to do so in ways that leave space for commercially-focused engagement to take place and in close consultation with the business community. We recognize that COVID-19 has refocused conversations in the US, China, and globally with respect to the need to review supply chain security and boost domestic production of critical technologies, medicines, and products. The fact remains, however, that in order to be globally competitive, American producers and service providers must be able to compete in the China market on a level playing field.

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<sup>1</sup> US Census Bureau, "Trade in Goods with China 2020" Available [here](#) (accessed Feb 19, 2021).

<sup>2</sup> Ana Swanson, "With Americans Stuck at Home, Trade with China Roars Back," *New York Times*, December 14, 2020. Available [here](#).

<sup>3</sup> See Chad P. Brown, "US-China phase one tracker: China's purchases of US goods, as of December 2020," *Peterson Institute for International Economics* February 08, 2021. Available [here](#).

We continue to encourage the Chinese government to make good on its promises for further economic reform and continued opening to the outside world. The government should ensure that legislation, such as the *Foreign Investment Law*, which went into effect January 1, 2020<sup>4</sup> and included commitments to equal treatment for foreign enterprises in a number of respects, will be implemented faithfully. On the US side, we welcome the opportunity to work closely with the new US administration to provide a full account of the current situation of US companies on the ground in China and identify opportunities to move the commercial relationship onto a more stable, equitable, and sustainable economic footing.

There are significant areas of contention in the US-China relationship, most of which offer no easy prospect for resolution. Despite the current friction in US-China relations, however, the success of multilateral efforts to address issues of the “global commons” like climate change and public health will be dependent on US-China cooperation. AmCham China’s members have technology, expertise, and best practices that they are willing to contribute to help address such issues of global commons. Cooperation will also be needed between both sides to create the conditions to facilitate bilateral foreign direct investment (FDI) and support global economic recovery from the COVID-19 pandemic. Against this backdrop, our 2021 Policy Priorities reflect the reality of a bilateral relationship characterized by mistrust. They also aim to promote the crucial cooperation called for above. These priorities reflect the opinions of the Chamber’s 900 member companies headquartered not just in the US, but also Europe, Australia, and other parts of Asia. They are drawn from multiple discussions among AmCham China members and supported by analysis from our annual BCS and the *American Business in China White Paper*.

As a focus of our advocacy efforts, these priorities will guide our conversations with the Chinese government, US government, media, academics, and other stakeholders throughout the year. We acknowledge that the challenges are significant and may not be resolved within the short-term. We hope, however, that these priorities can help form a framework for longer-term engagement and dialogue.

### **Priority One: Build a healthy working relationship through results-focused engagement**

Given the deterioration of US-China relations in 2020, any starting point should focus on rebuilding mechanisms for communication at all levels, an increase in the frequency of interaction between both sides, and a reduction in the level of unproductive rhetoric that has characterized bilateral exchanges over recent years, so as to build a stable foundation for working together. There is an opportunity to restart negotiations with China on multiple fronts and in areas in which the American business community continues to face significant challenges including around market access restrictions, IP protection, cybersecurity and digital policies, and support for state-owned enterprises. Restarting professional communications and negotiations would represent a positive step given developments over the past few years in which many channels of communication were truncated. The foreign business community has a role to play in communicating the reality of operating in the Chinese market in an accurate, objective, and timely manner to our counterparts in both governments. That said, any restart should be results-oriented and focused on the substance of the dialogue rather than the label or process associated with such dialogue.

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<sup>4</sup> “Foreign Investment Law of the People’s Republic of China,” English translation, *UNCTAD Investment Policy Hub*, 2021, available [here](#).

In this regard we recommend:

- Both sides commit to reduce the public use of inflammatory and unhelpful rhetoric that has characterized exchanges in recent years.
- Both governments prioritize communication at the working level and with strong business community engagement on both sides, as well as high-level dialogue not only on economic issues, but also dialogue on all spheres of the bilateral relationship including national security, law enforcement, and diplomacy.
- Both governments conduct a review of the progress on the Phase One Agreement to date in close consultation with the business community for objective assessments of the status of that implementation, while issuing regular updates on progress or guidelines for implementation.
- Both governments look for ways consistent with public health requirements to restart bilateral visa issuances, deliver transparency and efficiency with respect to travel policies, and for the Chinese government to issue policies that enable foreign nationals outside of China to return to work.
- The Chinese government provide information and reliable channels for Chinese and foreign employees of member companies to receive vaccines in a transparent manner and approve the use of foreign-made vaccines in the China market in a timely manner. Vaccine approval should be conditioned upon their safety and effectiveness as measured using internationally-accepted standards and scientifically-grounded processes, not upon reciprocal approval of Chinese-made vaccines in other jurisdictions.
- Both China and the US negotiate to join the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP). The US rejoining CPTPP would enable the US to participate in developing the rules, norms, and trading patterns among countries party to the agreement which constitute nearly 14 percent of global GDP at present.<sup>5</sup> China by joining CPTPP could accelerate its economic growth, diversify its export markets, and mark a commitment to implementing high-level policy standards that affirm China's movement towards a modern, open economy.
- The Chinese government engage foreign business community in ways that permit FIEs to discuss their operating environment in earnest without fear of retribution and prioritize patterns of communication that allow for engagement on both industry-wide challenges and technical issues relating to normal business operations characterized by measurable improvements.
- The US government focus on engaging with its counterparts in the China government to continue to address the “non-level” elements of the commercial and economic and trade relationship particularly around market access restrictions, discriminatory enforcement, and implicit guarantees for domestically-invested companies, especially state-owned enterprises (SOEs), that tilt the playing field against FIEs.

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<sup>5</sup> Robert Manning, “Global and regional trade systems,” *Atlantic Council*, June 7, 2020. Available [here](#).

**Priority Two: Ensure that rhetorical commitments to “national treatment” and a level playing field for FIEs operating in China are met with faithful implementation on the ground**

US-China economic and trade relations have positive benefits for both countries and the China market is a central component of the global strategies of many American companies. China’s National Development and Reform Commission (NDRC) estimates that FIEs in China contribute 25 percent of China’s gross output, 20 percent of China’s tax revenue, and account for 7 percent of total employment and 40 percent of China’s trade value.<sup>6</sup> A January 2021 study estimates that US exports to China support 1.2 million American jobs and that Chinese multinationals in the US employ 197,000 Americans.<sup>7</sup> Nevertheless, AmCham China has for many years highlighted the persistent challenges FIEs face in the China market including China’s state intervention in the economy, restrictive market access policies, IP rights violations, pressure to transfer technology, and an often opaque and discriminatory regulatory environment.

Additionally, innovation has ripple effects that bring broad benefits to the economies of both China and the US in areas like economic competitiveness, human capital development, ability to attract investment, and quality of jobs in knowledge-intensive sectors. Research and development (R&D) activities are a critical activity for both FIEs and domestically-invested companies operating in China. Sustained innovation, however, can only be realized on a level playing field with equal protection of rights under law – both on paper and in practice – for FIEs and domestically-invested domestic companies alike. Some 87 percent of our members report that innovation is important or a top priority for their business growth in China and 47 percent report that the enforcement of IPR improved in China in 2020. Nevertheless, 48 percent of members would like to see a continued effort to strengthen IPR protections as part of any future negotiations between the US and China, suggesting that while China’s IP environment is improving, more can be done.

In this regard we recommend:

- The Chinese government ensure that any market access commitments are accompanied by actions that guarantee a level playing field for all firms *within* those industries, regardless of the nationality of their shareholders, including within China’s Dual Circulation Strategy and New Infrastructure Initiatives announced in 2020. The government should abandon the use of implicit, unpublished, or internal guidance to replace US or other foreign-made products/services with domestically-made equivalents.
- The Chinese government expeditiously implement the commitments made as part of the Phase One Agreement to protect IP and remove any prerequisites for technology transfers as a basis for market entry. In particular we recommend that the encouraging development of IP courts be continued, the power of administrative bodies (e.g., CNIPA) to investigate and punish infringement be accompanied by the continued development of IP courts to adjudicate IP disputes, and a clear system of penalties be developed to deter IP theft, including through cyber-enabled means.

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<sup>6</sup> NDRC “Market Access Investment Negative List 2020 Edition,” August 2020, Available [here](#).

<sup>7</sup> US-China Business Council, “Decoupling with China Not Economically Viable For Americans,” Press Release, January 14, 2021, Available [here](#).

- The Chinese government open its markets to FIEs on equal terms in emerging sectors such as the cloud computing service business to enhance competitiveness. China should also work to ensure that its cloud computing sector develops in tandem with and adopts globally recognized standards and practices.
- Commitments to meaningful reform by the Chinese government include clear benchmarks, timelines, and intensive monitoring to ensure lasting changes to China’s legal and regulatory architectures and impartial implementation of laws and regulations. Similarly, coordinated and consistent policy development, implementation, and enforcement between Chinese government ministries must be prioritized.
- Laws and regulations, enforcement activities, approval processes, procurement preferences, and other requirements that treat foreign entities, products and services less favorably than domestic firms in the China market be eliminated.
- The Chinese government’s national security reviews and “secure and controllable” technology requirements be narrowly applied and not used for economic protectionism or in support of industrial policy.
- While recognizing that the China government submitted its sixth proposal for accession to the WTO *Agreement on Government Procurement* in October 2019, its proposal has yet to be accepted. China should promptly submit a proposal to join the GPA in accordance with globally-recognized norms commensurate with its status as the world’s second largest economy.
- The US government solicit input from American and Chinese companies as it determines what will be covered as emerging and foundational technologies with respect to export controls and make determinations based on global availability as well as the critical nature of the technology.
- The US and China governments adhere to globally-accepted trading rules, support and strengthen the existing multilateral trade regime, and avoid protectionist tendencies.

**Priority Three: Identify and develop patterns of cooperation on issues of global commons, particularly public health and climate change**

Given the size of both countries’ populations, the fact that their economies together comprise around a third of global GDP, and their leading role in a number of multilateral organizations including permanent membership in the United Nations Security Council, making progress in confronting and overcoming global issues requires cooperation between the US and China. Challenges like infectious disease and public health, climate change and greenhouse gas emissions, global financial stability, or agricultural and food safety, are unlikely to be meaningfully addressed in the absence of bilateral and multilateral cooperation.

While the US and China have engaged in high-level negotiations on economic and trade issues over the past few years, similar negotiations are not currently being replicated in other spheres of the bilateral relationship such as national security and law enforcement, to the detriment of the broader bilateral relationship. Such negotiations would help both sides to mitigate their differences on national security issues so as not to preclude cooperation on issues of global commons.

The US and China have traditionally enjoyed robust scientific and medical collaborations, although

the level of this collaboration has declined in recent years. Unfortunately, the response to COVID-19 thus far has been marked by a lack of cooperation, blame shifting, and an exchange of accusations by both sides. This has handicapped efforts to foster international cooperation and mobilize a coordinated, multilateral response to the pandemic.

Addressing climate change is another area of common interest and global significance. As the leading greenhouse gas (GHG) emitters, any progress on emissions reduction and decarbonization will require US-China cooperation. There are mutually beneficial reasons for US-China collaboration in this space. Both countries have announced pledges for carbon neutrality. General Secretary Xi announced a commitment to carbon neutrality by 2060 at the UN General Assembly.<sup>8</sup> During his campaign, President Biden announced an infrastructure plan and clean energy plan that targets net-zero emissions by 2050.<sup>9</sup>

Finally, the education sector has long been an important driver of people-to-people exchange, which constitutes an important axis of the US-China relationship. Travel restrictions imposed by COVID-19, as well as broader tension in the bilateral relationship over the past few years have decreased the opportunity for such exchanges in 2020. A sustained reduction in the level of people-to-people exchange is likely to have a chilling effect on foreign investment and commercial relations.

In that regard we recommend:

- The US and China governments engage in dialogue not just on trade and economic issues, but also intensify negotiations on national security, law enforcement, military-to-military, people-to-people and cultural exchanges, and other spheres of the bilateral relationship to improve coordination and understanding across each of these spheres.
- Both sides ringfence issues of national security and identify guardrails to guide bilateral competition in other spheres. National security concerns should seek to minimize any restrictions on innovation to the extent appropriate.
- Both sides aim to cooperate in areas of global commons. Most immediately, cooperation on a global scale is critical to addressing the COVID-19 pandemic through vaccine production, distribution and dissemination.
- The mutual recognition of COVID-19 vaccines is an important starting point. For this to happen, China should publish and share data on its domestically-produced vaccines with the international scientific and medical community so that they can be comprehensively evaluated and approved internationally as appropriate.
- As the immediate emergency conditions recede, China and the US should find opportunities to strengthen global public health infrastructure so that the world is better prepared for the next public health crisis.
- Both sides should also work to cultivate the conditions to promote bilateral FDI and trade and help the global economy recover from COVID-19.

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<sup>8</sup> Xi Jinping, “Statement by H.E. Xi Jinping President of the People’s Republic of China at the General Debate of the 75th Session of The United Nations General Assembly,” Speech at the UN General Assembly, Ministry of Foreign Affairs, September 22, 2020. Available [here](#)

<sup>9</sup> Biden-Harris Campaign, “The Biden Plan for a Clean Energy Revolution and Environmental Justice for All,” 2020. Available [here](#).

- The US and China look for opportunities to reduce GHG emissions and combat climate change. There are large export opportunities for member companies in both the US and China with respect to clean energy and associated technologies. China should honor its commitments to purchase substantial quantities of energy products under the Phase One Agreement.
- The US and China governments involve the business community and leverage its technology, expertise, and experience in future public health or climate change initiatives.
- With respect to people-to-people and education exchanges, both governments should continue to encourage and facilitate people-to-people and other education exchanges which increase bilateral trust and communication while maintaining appropriate controls to prevent such exchanges from being undermined or misused to illegally or unfairly procure sensitive information or technologies. Education exchanges should be accompanied by employment eligibility opportunities for participating students.

## 中国美国商会 2021 年政策重点

中美之间仍保持着紧密的经贸联系。在 2020 年，即使受到中美贸易摩擦和新冠肺炎疫情的冲击，双边货物贸易总额仍高达 5600 亿美元。实际上，仅仅在 2020 年 11 月，中国对美国出口额达到了 519 亿美元，创下单月记录。中国是美国产品和服务的重要市场，其中包括民用航空和医疗保健等高科技行业。同时，中国是众多产品和零部件的主要供应国，其成本低廉，使美国众多制造商和消费者从中受益。

在 2020 年，在华外国工商界面临着中美关系恶化和新冠肺炎疫情的双重挑战。疫情造成了持续且前所未有的全球经济和人道主义挑战。此外，疫情引发了中美两国国内关于供应链安全、制造业回流和关键技术国内生产的讨论。疫情暴发初期的停工、大范围封锁和其他防疫措施，给会员企业的运营带来了严峻的挑战。疫情叠加各种复杂因素致使双边关系在各领域的全面恶化，使在华外资企业处于极不确定的政策环境中。因此，商会 2021 年《中国商务环境调查报告》中发现，绝大多数受访者认为“中美关系日益紧张”是他们面临的巨大挑战。

中国美国商会继续支持 2020 年 1 月 15 日签订的《中华人民共和国和美利坚合众国政府经济贸易协定》（第一阶段经贸协议）的目标，并愿支持双边经济关系的再定位。2021 年《中国商务环境调查报告》显示，超过半数的受访企业认为，第一阶段经贸协议的签署，缓和了双边贸易关系紧张局势所造成的负面影响。整体来说，协议的落实情况是积极的，但具体情况在不同行业和领域有一定差异。商会注意到，在 2020 年，中国在金融服务等领域的开放进程上有所推进。在食品和农业领域，对部分美国商品的进口限制也已经解除。在疫情的影响下，中方在对美国商品和服务的采购等领域，尚未步入正轨。商会将致力于通过向两国政府提供客观信息，并针对在华外国工商界所面临的挑战，倡导切实可行的解决方案，继续支持第一阶段经贸协议的落实和其他改善双边贸易关系的措施。

商会坚定反对任何将使中美两国彻底脱钩的行为。脱钩将导致两国在贸易和投资上受到巨大损失，没有一方会成为赢家。商会尊重两国在界定和保护其国家安全和执法利益的合法需求的同时，呼吁两国为商业活动留出空间，并加强与商界的密切沟通。商会认识到，疫情使美国、中国和其他国家在审查供应链安全、推动关键技术/药品和产品的国内生产方面的讨论焦点发生了改变。然而，事实是，美国生产商和服务提供商只有能够在中国市场上公平竞争，才可以掌握全球竞争力。

商会将继续鼓励中国政府兑现其深化经济改革和扩大对外开放的承诺。政府应保证诸如在 2020 年 1 月 1 日生效的《外商投资法》在内的相关立法的贯彻实施，并兑现平等对待外商投资企业的承诺。就美国而言，商会愿与美国新政府密切合作，使其全面了解美国在华企业的现状，推动双边商业关系建立在更加稳定、公平和可持续的经济基础上。

中美关系在一些领域存在重大争议，其中大多数都无法轻易解决。尽管目前中美关系存在摩擦，但气候变化和公共卫生等“全球公共问题”的多边努力能否取得成功，将有赖于中美合作。中国美国商会的会员企业拥有技术、专业知识和最佳实践，并愿意为解决这些全球公共问题贡献自己的力量。中美两国还应开展合作，为促进两国间的外商直接投资创造



条件，支持全球经济从新冠疫情中复苏。

在这样的大背景下，商会 2021 年政策重点反映了双边关系中缺乏互信的事实，也旨在促进上述领域的重要合作。今年的政策重点反映了商会 900 家会员企业的意见。会员企业的总部遍布美国、欧洲、澳大利亚和亚洲其他地区。商会通过与会员之间的密集讨论，及对年度《中国商务环境调查报告》和《美国企业在中国白皮书》的分析，最终总结出了 2021 年的政策重点。

本文的政策重点也是商会今年的工作重点，是商会与中国政府、美国政府、各大媒体、学术界人士及其他相关方沟通的指导原则。虽然商会清楚地认识到，许多重大挑战无法在短期内得到妥善地解决，但是，商会相信如下政策重点有助于推动中美间一个长期互动和对话的框架的形成。

### 重点一：通过结果导向的互动，建立健康的工作关系

鉴于过去一年内中美关系的恶化，两国应以在各个层面重建沟通机制为修复双边关系的出发点，增加双方互动的频率，减少近年来双边交流中经常出现的负面言论，为双方的合作建立稳定的基础。中美两国有望在包括市场准入限制、知识产权保护、网络安全和数字政策、以及中国对国营企业的补贴等美资企业长期面临挑战的领域内重启谈判。鉴于过去几年里，两国间许多沟通渠道中断，重启专业的沟通和谈判代表着一项积极的举措。在华外国工商界可以向两国政府准确、客观、及时地通报其在华运营的情况。尽管如此，任何对话的重启都应以结果为导向，重点关注对话的实质内容，而不是对话相关的标签或流程。

对此，商会建议：

- 中美双方应致力于减少在公开场合使用近年来双边交流中经常出现的、具煽动性的、无益的言论。
- 两国政府可以将重点置于加强工作层面的沟通，并保持同两国工商界的互动，就经济问题、双边关系的各个领域，包括国家安全、执法和外交进行高层对话。
- 两国政府在同工商界紧密沟通的前提下，对第一阶段经贸协议迄今的执行情况进行探讨，以客观评价协议的执行进度，同时定期发布最新进展或实施指南。
- 在满足适当的防疫要求的前提下，两国政府可以适时重启相关签证的核发程序，提高旅行和入境政策的透明度和效率。中国政府应出台相关政策，帮助在中国境外的外国人重返其在华工作岗位。
- 关于新冠疫苗的接种政策，中方可以为会员企业的中外员工提供相关信息和可靠渠道，并及时批准外国疫苗在中国市场的使用。疫苗的批准认证程序应以其本身的安全性和有效性为基础，并采用国际公认的标准和科学的流程来研判，而不是以疫苗在其他司法管辖区的互认为前提。

- 中美双方应谈判加入《全面与进步跨太平洋伙伴关系协定》(CPTPP)。目前,该协定成员国的 GDP 占全球 GDP 总量的近 14%。美国重新加入 CPTPP,将使其能够参与制定该协定相关贸易规则、规范和模式。中国加入 CPTPP 将加速其经济增长,使其出口市场进一步多元化,同时标志着中国实施高水平的政策标准,以及对迈向现代、开放经济的承诺。
- 中国政府应与外国商界加强互动,确保外资企业可就中国营商环境畅所欲言且免于担心遭遇报复。同时,中方可以就解决有行业共性的挑战以及与业务运营相关的技术问题,同外资企业进行讨论,并作出可衡量的改进。
- 为解决双边商业和经贸关系中的“不平衡”因素,美国政府应重视加强与中国相关部委的互动,尤其应关切外资企业所在的竞争环境——其中包括市场准入限制、不公平执法、和对国有企业的隐性担保方面的部分。

## 重点二：确保“国民待遇”和为在华经营的外商投资企业提供公平竞争环境的承诺能够切实落实

中美经贸关系对两国经济均有积极影响,中国市场是许多美国公司全球战略的核心组成部分。据中国国家发展和改革委员会估计,在华外商投资企业贡献了中国总产值的 25%,中国税收收入的 20%,总就业人数的 7%,和中国贸易总额的 40%。2021 年 1 月的一项研究估计,在美国对华出口支持了 120 万个美国就业岗位的同时,中国跨国公司在美国提供了 19.7 万个工作岗位。即便如此,商会强调,在华外企面临着来自政府对市场的干预、受限的准入政策、知识产权保护机制不完善、技术转让的压力、以及不透明的、区别性的监管环境等方面的持续挑战。

创新会带来连锁反应,从而在经济竞争力、人力资本开发、吸引投资的能力以及知识密集型行业的工作质量等领域为中美两国的经济带来广泛的利益。研发活动对于在华运营的外国投资企业和国内投资公司的创新发展都至关重要。中国可以通过平等保护内外资企业的合法权利,构建公平的竞争环境,从而确保企业持续创新的能力。87%的商会会员企业表示,创新是其在华业务增长的重要或首要任务;还有 47%的会员表示,2020 年中国在知识产权执法上有所改善。有 48%的会员企业期待双方在未来的谈判中保留加强知识产权保护这一内容。该数据表明,尽管中国的知识产权环境有改善的迹象,但仍有进步空间。

对此,商会建议:

- 中国政府保证就其 2020 年提出的“双循环”、“新基建”及未来所作出的任何市场准入承诺上,采取相应措施,以确保这些行业内所有市场主体(无论其股权结构)都享有公平的竞争环境。同时,建议中国政府不再使用暗示性、未公开或内部指导文件要求采购方以国产的同等产品/服务替代美国和外国制造的产品/服务。
- 中方应尽快落实第一阶段协议所作出的承诺,加强知识产权保护,取消以技术转让作为市场准入的前提条件。商会尤其建议,中国持续加强知识产权法院制度的建设

和完善；行政机构（例如国家知识产权局）查处侵权行为的权力要和知识产权法庭的发展保持平衡。应建立标准明确统一的惩罚制度，必要时借助网络手段遏止知识产权盗窃。

- 中国政府应当按照内外资一致的标准对外商投资企业开放云计算等新兴领域，来增强其竞争能力，以确保该领域的发展符合已形成的全球标准和做法。
- 中国对进行实质性改革的承诺，有赖于制定明确的基准、时间表和严密的监督，以确保中国的法律和监管架构的持续改善以及法律法规的公正实施。同样，中国应优先保障各部委之间应在政策制定、实施和执行上保持协调一致。
- 中国应修正可能会导致外国实体、产品和服务与中国企业受区别对待的法律法规、执法活动、审批流程、采购偏好和其他要求。
- 中方应尽可能明确限定国家安全审查和“自主可控”的技术要求，尤其应避免将其用于经济保护主义或产业政策。
- 商会注意到，中国政府于 2019 年 10 月提交的加入世界贸易组织《政府采购协议》的第六次提案尚未获得批准。商会认为，作为世界第二大经济体，中国应采用与其地位相称的全球公认准则，适时递交加入《政府采购协议》的提案。
- 美国政府应在确定有关新兴技术和基础技术的出口管制范围时充分征询美国和中国企业的意见，并根据其全球可用性和技术的关键性质进行决策。
- 中美两国政府继续坚持国际公认的贸易规则，支持和加强现有的多边贸易体制，避免保护主义倾向。

### 重点三: 确定和发展在全球公共议题上的合作模式，特别是在公共卫生和气候变化问题上

考虑到两国的人口基数，合计约占全球 GDP 三分之一的经济总量，在众多多边组织中所发挥的领导作用，以及双方均为联合国安理会常任理事国的身份，中美应合作以应对和克服全球性问题。如果没有双边和多边合作，全球面临的众多挑战，如传染病防控和公共卫生、气候变化和温室气体排放、全球金融稳定、农业和食品安全等，都难以得到有效的解决。

尽管中美两国在过去几年里就经贸问题展开了高层磋商，然而类似的谈判尚未在双边关系的其他领域展开，例如国家安全和执法，这不利于整体的双边关系的发展。对话和磋商有助于双方弥合在国家安全问题上的分歧，从而促进双方在全球公共问题上的合作。

中美两国在科学和医学方面的合作一向非常紧密。遗憾的是，近年来两国在该领域的合作水平有所下降，迄今为止，双方在应对疫情方面出现了缺乏合作、推脱责任、相互指责的现象。这阻碍了双方推动国际合作、动员协调各方共同应对疫情的努力。

应对气候变化是双方另一个具有共同利益和全球意义的领域。作为主要的温室气体排放国，中美两国可以在减排和脱碳方面合作。中美两国在该领域的合作有着互利共赢的基础。两国均宣布了碳中和的承诺。习近平总书记在联合国大会上宣布了到 2060 年实现碳中和的承诺。拜登总统在竞选期间中宣布了一项旨在到 2050 年实现净零排放的基础设施建设和清洁能源计划。

最后，教育领域长期以来一直是人文交流的重要动力，是中美关系的重要轴心。疫情期间实施的旅行限制，以及过去几年间两国的紧张关系，导致此类机会在 2020 年的减少。人文交流水平的持续下降可能会对外国投资和商业关系产生负面影响。

对此，商会建议：

- 中美两国政府不仅应在贸易、经济问题上开展对话，还应就国家安全、执法、军事、人文交流等双边关系的其他领域进行加强磋商，以提高在这些领域内的协作和相互理解。
- 双方需要对国家安全问题进行限定，确认引导其他领域双边竞争的范围。针对国家安全方面的担忧，应尽可能地减少国家安全问题对创新的限制。
- 双方应致力于在全球公共问题领域开展合作。最紧迫的是，全球合作对于通过疫苗生产、分发和传播，来应对新冠疫情来说至关重要。
- 新冠疫苗互认是一个非常重要的起点。为实现这一目标，中国可以与国际科学界和医学界分享国产疫苗的数据，以便疫苗在国际上得到全面的评价和适当的批准。
- 随着当前紧急情况的缓解，中美两国应借此时机，寻求加强全球公共卫生基础设施的机会，以使世界面对下一次公共卫生危机时，能有更充分的准备。
- 双方还应努力创造有利于深化双边直接投资和贸易的条件，帮助全球经济从疫情中复苏。
- 中美两国应寻求机会减少温室气体排放，共同应对气候变化带来的挑战。在清洁能源和相关技术方面，中美两国的会员企业都有大量的出口机会。中国应履行其第一阶段协议中大量购买能源产品的承诺。
- 中美两国政府应与商界加强交流，并在未来的公共卫生或气候变化倡议中利用其技术、专业知识和经验。
- 在人文教育交流方面，两国政府应继续鼓励和推动人文交流和其他教育交流，增加双边互信和沟通。同时有必要对其进行适当控制，防止这种交流被破坏或滥用，以非法或不公平手段获取敏感信息或技术。教育交流还应当为参与交流的学生提供就业机会。