

## 2022 Policy Priorities Outline

General narrative: (1) Encourage action-based engagement, (2) Resolve regulatory confusion and uneven policy implementation, and (3) Enrich cooperation and exchange around areas of global and bilateral importance.

### **Priority One: Encourage action-based engagement between the US and China to create substantive and mutually beneficial initiatives and solutions on an issue-by-issue basis rather than unproductive values-based positioning. (Shorthand: Encourage action-based engagement)**

- Given the lack of progress in US-China relations in 2021 and the failure to meet all commitments under the Phase One deal, any starting point for 2022 should focus on building clear targets around areas where cooperation can be mutually beneficial.
- Geopolitical tension between the US and China remains a top business challenge cited by members. Furthermore, 58% of companies report being directly impacted by the US-China relationship, up 8 percentage points from last year (2022 BCS). Protecting American business activity and access to the second-largest economy in the world, will help these companies maintain a strong global position and continue to contribute positively to the US economy.
- After the Biden Administration entered office in January 2021, many hoped to see progress on areas of concern (IPR, cybersecurity, SOEs, etc.). This has not materialized and the push to maintain “status-quo” of the bilateral relationship has frozen attempts at progress.
- Bilateral dialogue is a positive step given developments over the past few years and the elimination of most previous forums for conversation, but any restart should be results-oriented and focused on the substance of the dialogue rather than the label or process of the dialogue.
- 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 counterparts in both governments. To that end, government access for AmCham China and our member companies is essential.

In this regard we recommend:

- Both sides commit to real plans for commercial and political engagement on an issue-by-issue basis, while refraining from the public use of inflammatory and unhelpful rhetoric around values-based differences where possible.
- Both governments prioritize bilateral 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.
- The Chinese government prioritize greater access for AmCham China, other foreign chambers of commerce, and their members to address both general industry-wide challenges and also technical issues relating to normal business operations.

- Look for ways to accelerate bilateral visa issuances, advocate for transparency with respect to travel policies, and for CNG to propagate policies to facilitate return of expat workers and their families.

**Priority Two: Resolve regulatory confusion and uneven policy implementation by encouraging timely and clear announcements of changes to enhance compliance capabilities. (Shorthand: Resolve regulatory confusion)**

- Inconsistent/unclear regulations and enforcement continue to be major challenges for AmCham China members over the past decade. In 2022, “regulatory compliance risks” was again among our members top five business challenges. (2022 BCS) Greater policy transparency is a critical need to drive new investment among our members.
- The past year has seen a wave of new regulations introduced across many different industries including Education, Real Estate, and internet platform companies. The regulatory environment is among the conditions driving pessimism for doing business in China, according to 40% of members and up 16 percentage points from last year. (2022 BCS).
- Companies specifically noted that uneven enforcement and interpretation of new regulations is a core concern when creating their compliance strategy. When policies are vague or conflicting at a national level, localities may pursue inconsistent implementation strategies and timelines.
- Confusion over plans to implement vague internationally focused legislation such as the US "Uyghur Forced Labor Prevention Act" forces American companies with operations in China to engage in guesswork.

In this regard we recommend:

- Increased focus on policy communication and clear enforcement guidelines by both the Chinese and US governments.
- Consult MNCs when proposing key industrial regulation changes and normalize grace periods for policies likely to drastically disrupt market operations in order to limit immediate adverse effects and allow companies sufficient time to implement necessary changes.
- Focused and clear guidance from China’s central government to ensure that regional differences in enforcement or implementation timelines do not cause unnecessary disruptions for companies with a large presence in China.

**Priority Three: Enrich cooperation and exchange in areas of global and bilateral importance. (Shorthand: Enrich cooperation and exchange)**

- We acknowledge the right of both countries to define and act in accordance with their own legitimate national security interests. At the same time, national security actions should be applied in the least trade-restrictive manner possible. The tariff exemption program should be expanded to facilitate trade, which is mutually beneficial.

- China remains a top 3 import and export partner of US goods and services. The value of this trade relationship and the interconnectedness of markets allows for continued commercially focused engagement.
- Engagement on climate has been welcome, but real plans should be put in place to continue this engagement. Some 8 of 10 AmCham China member companies report that they are currently planning or already implementing actions to support China's climate goals with global benefits. Utilizing the private sector to help support bilateral work on climate, could help to produce real results.
- While COVID-19 prevention measures remain in place, a plan to resume regular people-to-people exchange between the US and China should be explored in order to ensure a smooth return to education, business, and family travel.

In that regard we recommend:

- The US and China adhere to globally accepted trading rules, support and strengthen the existing multilateral trade regime, and avoid protectionist tendencies.
- Both sides separate 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.
- Continue to encourage and facilitate study/education as part of bilateral people-to-people exchanges, while maintaining appropriate controls to prevent such exchanges from being undermined or misused to illegally or unfairly procure sensitive technologies.
- China and the US should work together to strengthen global public health infrastructure and refrain from politicizing the COVID-19 pandemic and pandemic response.
- The US and China engage in dialogue not just on trade and economic issues, but also start or intensify negotiations on national security, law enforcement, military and other spheres of the bilateral relationship to improve coordination across each of these spheres.

## 2022 年政策要务纲要

综述：(1) 鼓励务实合作；(2) 提高政策公开透明度、持续稳定性与不同地域执行的一致性，以及(3) 加强在全球和双边重要领域的合作与交流

**重点一：鼓励中美推进务实合作，根据具体问题具体分析的原则制定有理有据、互利共赢的举措和方案，而不是形式化的价值主张。（要点：鼓励务实合作）**

- 鉴于 2021 年中美关系缺乏进展且第一阶段协议项下的所有承诺尚未达成，2022 年的当务之急应该是在双方互利的合作领域制定明确目标。
- 中美地缘政治紧张局势仍然是 2021 年商会会员企业面临的头号商业挑战。根据商会《2022 年中国商务环境调查报告》，58%的企业（较去年增加 8 个百分点）表示受到中美关系的直接影响。保护美国企业商业活力，确保其平等进入世界第二大经济体将有助于这些企业保持领先的全球地位，继续为美国经济做出积极贡献。
- 2021 年 1 月拜登政府执政后，很多人都希望中美两国在多个关注领域（比如知识产权、网络安全、国有企业等）取得重要进展。然而，这种愿望并未实现，双边关系陷入僵局，停滞不前。
- 近几年中美关系紧张，加上因疫情等原因导致两国沟通渠道有限，尽快重启双边对话具有积极意义。商会建议对话应以结果为导向，注重沟通的具体内容，而非其形式或过程。
- 在准确、客观、及时地向中美两国对口政府部门反馈在中国市场运营的实际情况时，美国商界的角色不可替代。为此，商会和会员企业与政府保持沟通至关重要。

在此，商会建议：

- 根据具体问题具体分析的原则，双方应制定经贸和政治合作的务实计划，减少使用具有煽动性的无益言辞。
- 两国政府应优先推动工作层面的双边沟通，加强与商界的沟通与交流。除关于经济问题的高层对话之外，还应展开双边关系中涉及国家安全、执法和外交等多领域的对话。
- 中国政府应优先加强同包括中国美国商会在内的外国商会及其会员企业的交流与联系，携手解决行业层面的挑战以及涉及正常业务经营中遇到的具体问题。
- 设法优化双边签证发放流程，提高旅行政策透明度，支持中方发布的帮助外资企业外籍员工及其家属返回中国的相关政策。

**重点二：提高政策公开透明度和持续稳定性，保持政策在不同地域执行的一致性，鼓励政府部门及时、精准发布政策变更内容，提高企业合规能力。（要点：提高政策稳定性、透明度与在各地执行的一致性）**

- 过去十年中，法规和执法不一致仍然是商会会员企业面临的主要挑战之一。2022年，“监管合规风险”再次被会员企业列为五大商业挑战之一。（《2022年商务环境调查报告》）提高政策透明度是促进会员企业新增投资的关键因素。
- 去年，中国政府出台了一系列针对教育、房地产和互联网行业的新法规。40%（较去年增加16个百分点）的会员企业表示，监管环境的不稳定是造成对中国营商环境持悲观态度的因素之一。（《2022年商务环境调查报告》）
- 多家会员企业明确指出，新法规在内容解释和执行层面的不统一是其在制定合规战略时的主要担忧。如果国家层面的政策含糊不清或互相冲突，就会出现各地在时间安排和执行中的巨大差异。
- 美国《防止强迫维吾尔人劳动法》等法律条文内容含糊不清，导致在中国经营的美国企业非常被动。

为此，商会建议：

- 中美两国政府应提高政策宣传力度，明确具体执行细则。
- 在修订关键行业监管政策前，应征求外资企业的意见，并对可能重塑市场运行规则的政策设定宽限期，让公司有足够的时间进行内部调整。
- 中国中央政府应提供清晰明确的工作指南，避免执法或实施时间方面的地区差异对在中国有大量业务的外资企业造成不必要的干扰。

### **重点三：加强在全球和双边重要领域的合作与交流。（要点：加强合作和交流）**

- 商会尊重两国有权制定符合各自国家安全利益的政策并据此行事。与此同时，国家安全行动应尽量避免通过限制贸易往来的方式执行。双方应扩大关税减免的实施范围，促进贸易往来，实现互利共赢。
- 中国一直是美国商品和服务的前三大进出口贸易伙伴。两国贸易关系的重要性和两国市场的高度关联性有利于持续深化两国的经贸合作。
- 两国在应对气候变化方面的合作值得期待，但须制定务实计划深化合作关系。商会约八成的会员企业表示，目前正在计划或实施相关行动，以推动达成造福全球的中国双碳目标。利用私营部门推动气候方面的双边合作有助于取得实际成果。
- 虽然疫情防控措施仍未取消，但应设法重启中美两国人民正常交流往来，确保教育、商务和探亲旅行的顺利恢复。

在此，商会建议：

- 中美两国应遵守全球公认的贸易规则，维护和加强现有多边贸易机制，避免保护主义倾向。
- 双方应将国家安全问题与其他问题区分开，为两国关系设置护栏，避免引起两国在其他领域的双边竞争。在处理国家安全问题时，应尽量减少对创新的限制。

- 作为双边人文交流的一部分，继续鼓励和促进双边教育交流。同时，为了防止破坏或滥用此类交流，应采取适当的控制措施，禁止通过非法或不正当方式获取敏感技术。
- 中美两国应携手合作，提高全球公共卫生基础设施水平，避免将疫情和防疫政治化。
- 中美两国不仅应就贸易和经济问题展开对话，还应同时启动/加强关于国家安全、执法、军事等双边关系问题的协商，以深化双方在各领域的沟通协调。