



# WHITE PAPER 2005

AMERICAN BUSINESS IN CHINA

美国企业  
在中国



中國美國商會  
The American Chamber of Commerce  
People's Republic of China



The American Chamber of Commerce in Shanghai  
上海美國商會

*The American Chamber of Commerce in China and the American Chamber of Commerce in Shanghai are committed to working with Chinese and U.S. government authorities to help foster vibrant and constructive commercial relations between our two countries. To that end, we have compiled the observations, concerns and recommendations of our collective membership of nearly 2,000 companies into this seventh annual White Paper.*

*We hope this report will serve as a platform for continued dialogue and cooperation between U.S. business and Chinese government authorities and as a useful reference for anyone interested in better understanding China's business environment.*

中国美国商会和上海美国商会致力于中美两国政府合作, 为发展生机勃勃的且具有建设性的中美商务关系助一臂之力。为此, 我们编辑了这本白皮书。这是我们的第七本白皮书, 里面记录了两家商会共计近二千多家会员公司在华经商的感受、所关心的问题及相关建议。

我们希望本书能促进美国企业与中国政府部门之间的继续对话与合作, 同时希望了解中国商务环境的人士提供参考。

**The American Chamber of Commerce  
People's Republic of China**  
China Resources Building, Suite 1903  
No. 8 Jianguomenbei Avenue  
Beijing 100005, China

**中国美国商会**  
中国北京市建国门北大街8号  
华润大厦1903室 邮编: 100005  
Tel / 电话: (8610) 8519 1920  
Fax / 传真: (8610) 8519 1910  
[www.amcham-china.org.cn](http://www.amcham-china.org.cn)

**The American Chamber of Commerce  
in Shanghai**  
Shanghai Centre, Suite 568  
1376 Nanjing Road West  
Shanghai 200040, China

**上海美国商会**  
中国上海南京西路1376号  
上海商城东峰办公楼568室 邮编: 200040  
Tel / 电话: (8621) 6279 7119  
Fax / 传真: (8621) 6279 7643  
[www.amcham-shanghai.org](http://www.amcham-shanghai.org)

# TABLE OF CONTENTS 目录

Chairmen's Message 主席致辞	4	Automotive 汽车业	88
Part One: The Climate for American Business in China 第一章：美国企业在中国的商业环境	10	Banking 银行业	94
Part Two: Business Environment Issues 第二章：商务环境问题		Capital Markets 资本市场	102
Antitrust/Antimonopoly Issues 反垄断问题	28	Civil Aviation 民用航空	106
Corporate Social Responsibility 企业社会责任	32	Construction, Engineering and Design 建筑、工程与设计	110
Human Resources 人力资源	38	Direct Selling 直销业	116
Intellectual Property Rights 知识产权	42	Distribution Rights 分销权	120
Northeast Development Program 中国振兴东北地区等老工业基地	50	Insurance 保险	126
Taxation 税收	54	Information Technology 信息技术产业	132
Standards 标准	60	Legal Services 法律服务	140
U.S. Business Visas 签证	66	Media and Entertainment 传媒与娱乐	146
WTO WTO	74	Medical Devices 医疗器械	152
Part Three: Industry Issues 第三章：特定行业问题		Pharmaceuticals 制药业	158
Agriculture and Food 农业与食品	82	Transportation and Logistics 运输和物流	162
		Part Four: City Issues 第四章：具体城市问题	
		Beijing 北京	170
		Shanghai 上海	174

# Chairmen's Message

The American Chamber of Commerce in China and the American Chamber of Commerce in Shanghai are pleased to present the 2005 *White Paper on American Business in China*, our annual analysis of the current business environment for American companies in China.

This 2005 edition represents the seventh White Paper from AmCham-China and the third time AmCham-China and AmCham Shanghai have collaborated on this report. The 27 chapters that follow span industries and issues from the automotive sector to U.S. business visa policies. Our aim is to represent our member companies by providing a comprehensive, on-the-ground assessment - with concrete recommendations - to government officials, corporate leaders, and the public.

From that vantage point, our AmChams strongly believe that China's entry in the World Trade Organization (WTO) has been good for China and good for the United States. Overall, U.S. exports to China have increased 114 percent between 2000 and 2004, according to U.S. trade statistics. Since China joined the WTO in December 2001, the White Paper has assessed China's implementation of its Accession Protocol. The Chairmen's Message in the 2004 White Paper stated: "With the exception of intellectual property rights, we believe China is substantially in compliance with its WTO commitments." For this year, the Chambers believe that WTO implementation has slipped. During the past year, Beijing's WTO performance in some key areas has been mixed, causing concern for Chamber member companies over distribution rights, market access in certain industries, IPR enforcement, and transparency. Chinese IPR enforcement efforts to date, despite a new Judicial Interpretation in December 2004, have not effectively deterred infringement of copyright, trademark, and patent rights. The lack of transparency in Chinese rulemaking and administrative decisions has similarly hurt a wide range of companies across sectors as business plans must continually be adjusted to keep pace with new or newly enforced regulations which are issued without an adequate comment period from industry.

Despite concerns about the implementation of certain WTO commitments over the past year, our member companies continue to strongly support WTO-mandated and WTO-inspired economic reforms in China. According to our 2005 *Business Climate Survey*, 80 percent of the 450 AmCham member companies polled believe reforms over the past two years have helped American businesses in China.

The annual AmCham-China and AmCham Shanghai *Business Climate Survey* provides a unique source of data about U.S. companies operating in China, information that underpins many of our assessments in the White Paper. For example, another key finding in this year's survey is that the majority of our members (62 percent) are operating in China mainly to produce goods or services for the China market, while another 11 percent operate in China mainly to export from the United States. This data is consistent with previous years and highlights the fact that our member companies primarily look to China not as an export platform, but a fast-growing marketplace with a demand for their goods and services - a point which often gets lost in the debate over U.S. trade with China.

Over the past year, this debate has intensified and U.S.-China trade frictions have dominated much of the international and Chinese business press. Our Chambers have spoken out against policies that would harm U.S.-China commerce, opposing specific legislation in the U.S. Congress that would have imposed unilateral tariffs. More broadly, our hope is that the 2005 White Paper will inform readers on both sides of the Pacific about the issues facing American companies in China. With this

# 主席致辞

中国美国商会和上海美国商会荣幸地向您推出 2005 年白皮书——《美国企业在中国》。在此书中我们针对在华美资企业所面临的商务环境作了年度分析。

2005 年白皮书是中国美国商会第七版白皮书，也是中国美国商会和上海美国商会的第三次合作编撰。全书共 27 章，涵盖从汽车制造到美国商务签证政策等不同行业和领域的各个方面。我们的目标是代表我们会员公司向政府官员、商界领袖以及广大公众提供全面翔实的评估和切合实际的建议。

从积极的一面来看，我们两家商会一致认为中国加入世贸组织对于中美两国都有着正面的影响。总体而言，根据贸易统计数据，美国对华出口在 2000 年到 2004 年间增长了 114%。自中国于 2001 年 12 月加入世界贸易组织以来，白皮书连续对中国人世备忘录的执行状况进行了评估。2004 年白皮书主席致辞部分提到：“除知识产权外，我们认为，中国实质性地履行了其他人世承诺。”今年，我们则认为中国在履行人世承诺方面的工作有所不如以往。在过去一年中，因为中国政府在某些人世关键领域的表现参差不齐，从而引起商会会员公司对分销权，特定行业市场准入，知识产权执法力度和提高执政透明度等方面的种种关注。至今为止，尽管 2004 年 12 月颁布了新的司法解释，中国在知识产权保护上的执法力度仍不足以有效阻止对版权、商标和专利权的侵害。中国政府在政策制定和行政决策过程中缺乏透明度，同样损害了一大批不同行业公司的利益；迫使这些公司不断改变其商业计划以使其符合未经充分业内意见反馈期而仓促出台的法规和法令。

除了对过去一年中国履行某些人世承诺的关注外，我们的会员公司一如既往地支持（与人世相关的）经济改革。根据我们 2005 年度商务环境调查报告，参与调查的 450 家美商会会员中的八成会员都认为过去两年的改革对美资企业在华发展起到了促进作用。

中国美国商会和上海美国商会的年度商务环境调查报告中提供了关于美国企业在华开展业务的独家数据来源和进一步支持白皮书中所列评估报告的相关信息。例如，本年度调查报告中的一个关键发现指出我们的绝大部分会员（62%）在华生产的目的是为中国市场生产产品或提供服务；而另外 11% 的会员是将美国商品出口到中国。今年的数据和过去几年的结果保持一致，并且凸显了我们会员公司将中国视作一个对其产品和服务有着强烈需求的快速成长市场，而不是一个出口平台——而这一论点一直在美中贸易争论中被忽视。

过去一年中，在美中贸易问题上的争论不断升级。美中贸易摩擦的话题占据了很多国际和中国国内商业媒体的版面。我们两家商会勇于直言反对有损美中商贸的有关政策，反对美国国会作出的单边征收关税的特殊立法议案。广而言之，我们希望 2005 年白皮书能够让大洋两岸的读者了解在华美资企业所面临的各种问题。借此，无论是在华盛顿还是在北京，在萨克拉曼多或是在上海的决策者和公众都能够更好地理解和处理两大贸易伙伴间的种种难以避免问题。

information, decisionmakers – and the public – in Washington and Beijing, Sacramento and Shanghai can better address problems that inevitably will arise between our two great trading nations.

Our AmCham organizations are member-driven and the White Paper exemplifies our spirit of commitment and cooperation. Each year, dozens of individuals contribute their time and expertise in the painstaking researching, crafting, editing and translation of the White Paper. The result is an advocacy tool designed to foster a healthy business environment through mutual understanding and mutual respect between business and government. Our policy recommendations are offered with the goal of promoting sustainable, broad-based economic growth and fair market opportunity. Consistent with our mission in China, the chambers endeavor to do this in a spirit of constructive dialogue and partnership.

We are grateful to those chamber members in Beijing and Shanghai who assisted in creating the 2005 White Paper; they exemplify the highest levels of volunteerism, dedication, and community service and we deeply appreciate their contribution of time. On behalf of our nearly 2,000 corporate members and more than 4000 individual members, we look forward to presenting AmCham's message in Beijing, Shanghai, Washington DC, and beyond.



Emory Williams  
Chairman  
AmCham-China



Jeffrey Bernstein  
Chairman  
AmCham Shanghai

美商会一贯以会员为优先考虑，白皮书就是我们信守承诺、团结协作精神的最佳典范。每年许多人贡献出他们的时间和专业知识为白皮书的编撰开展辛勤的调研、制作、编辑和翻译工作。白皮书作为这些努力的最终成果，将成为我们基于企业和政府间相互理解和尊重，孕育健康商业环境的有效宣传工具。我们提供的政策建议是以促进广泛的、可持续的经济增长和实现公平市场机会为目标的。与我们在中国的使命相一致，美商会本着建设性对话和合作伙伴精神将努力完成这些工作。

我们由衷地感谢参与2005年白皮书编撰工作的北京、上海两地会员，他们是志愿、奉献和为社会服务最高境界的典范。我们对于他们为本书出版而付出的时间表示诚挚谢意。在此，我们谨代表两地美商会近两千家公司、四千余名会员，衷心期望将商会的讯息带到北京、上海、华盛顿或是更远的地方。



Emory Williams  
中国美商会主席



Jeffrey Bernstein  
上海美商会主席