

米帝贸易代表团提出的谈判框架全文

财迷按，为了让大家对谈判框架有个总体性了解，并更好地配合财迷的头条解毒文章，财迷还是决定牺牲周末来翻译此文（此处应有掌声），全文如下：

免责声明：美国代表团单独提供了以下框架协议来帮助双方进行坦率且富有成效的意见交换。当前文本不是国际性的认同并仍然可以被重新审视。为了节省时间且出于对双方需要讨论的问题的重视，这个文档在访问之前被提交，同时这个文档本身也还在被检视中。

平衡中美贸易关系

作为世界上最大的两个经济体，中美政府间有着较多的共同利益。但如今中美贸易有着相当大的不平衡。美国在中国的投资和服务销售仍然受到较强辖制。中国对美国技术和专利的工业政策让美国对经济和安全感到极大忧虑。

中美贸易亟需减少美国贸易赤字且保证中国的市场向美国交易商和投资者以公平且无歧视的方式开放。中国因此承诺：（a）消除不合适的对美国出口到神州的关税和非关税壁垒，（b）处理中国与技术转让和知识产权有关的政策规定，（c）就像美国人对待中国的服务商那样平等地对待美国的服务商，以及（d）标明中国的协定不再瞄准美国的农民和农业产品。为了讲清这些问题并再平衡中美贸易关系，中美之间亟需就一些具体且可以验证的关系达成共识。

第一部分：减少贸易赤字

中国承诺和中国进口商一起促进进口，来满足中美达成的协议。从2018年6月1日开始的12个月以内，中国需要减少1000亿美元的对美贸易顺差从2019年6月1日开始，中国继续在12个月以内减少第二个1000亿美元的对美贸易顺差，也就是到2020年底共计减少2000亿美元的顺差。从2018年6月1日-2019年5月31日新增进口1000亿美元中，至少75%是购买美国商品；中国承诺，自2019年6月1日开始的第二个1000亿美元，至少50%是购买美国商品。

第二部分 保护美国科技和知识产权

为了防止中国的政策、法律、规定、条款和行动再次伤及美国的知识产权权益，创新和技术进步，中国需要承诺以下：

(a) 中国将立即停止提供扭曲市场的补贴和其他类型的政府支持，这些补贴可能有助于创造或维持中国制造2025年工业计划所针对行业的过剩产能。

(b) 截至2019年1月1日，中国将消除有关技术转业的特定政策和做法。

(c) 中国将采取直接、可核查的措施，确保中国侵入美国商业网络窃取美国公司持有的知识产权、商业机密和机密商业信息。

(d) 中国将加强知识产权保护和执法力度

(e) 截至2019年1月1日，中国将取消对技术进出口管理条例的规定，以及美国提出的在中国举行的WTO磋商中确定的中外合资经营企业法实施条例的规定——Certain Measures Concerning the Protection of Intellectual Property Rights (DS542)；

(f) 2018 年 7 月 1 日前，中国将撤回 WTO 磋商请求——Tariff Measures on Certain Goods from China (DS543)，且在世贸组织关于解决争端的规则和程序下，中国不会采取进一步的行动。

除此之外，对美国新提出的限制进口和限制中国投资措施，中国不能以各种手段对美方进行报复，包括对美方进口商品征收关税，以及对美国进口的农产品采取不必要的卫生和植物检验措施，设置不必要的技术性贸易壁垒，进行反倾销反补贴调查，以及歧视性的检查，检疫和测试等等。中国立即停止现有正在计划中的报复行为，同时中国同意立即停止对美国技术和知识产权的网络窃取，经济间谍，仿制和盗取。中国同意遵守美国的出口管制法律。

第三部分 对敏感型科技投资的限制

关于美国限制中国对敏感技术部门或者对关乎美国国家安全的部门的投资，中国政府确认不会反对、挑战或者以其它形式报复。

第四部分 美国在中国的投资

中国不应通过投资限制来扭曲贸易，中国施加的任何投资限制或条件都必须是有限、透明的。美国在华投资者必须获得公平、有效和非歧视性的市场准入和待遇，包括取消外国投资限制和外国所有权/持股要求。为了推进这些原则，中国需要在 2018 年 7 月 1 日发布改进后的全国范围内的负面清单，美国将在 90 天内清查出目前已有的，对美国投资者获取公平有效和非歧视市场准入待遇不利的投资限制条款，中国需要在收到美方提出的这些条款后，根据中美约定的时间表进行清除。

第五部分 贸易和非贸易壁垒

中国承诺：

(a) 2020 年 7 月 1 日前中国将把非关键部门所有产品的关税降至不高于美国相应水平。

(b) 中国将取消特定的非关税壁垒。

第六部分 美国服务和供应商

为了实现对美国服务和供应商的公平待遇，中国承诺以特定的方式改善其市场准入。

第七部分 美国农产品

为了实现对美国农产品的公平待遇，中国承诺以特定的方式改善对其市场的准入。

第八部分 实施

中美每季度开会讨论协议执行情况

如果美国认为中方没有能够履行框架的承诺，包括赤字目标，中国认可美国将会采取额外的关税或者其他针对中国商品的进口限制措施，或者对中国投资和服务进行限制。中国同时不会采取反对，挑战或者其他任何形式的行为反对美国根据本段内容附加的关税和其他限制措施，同时中国不会在 WTO 发起贸易争端申诉。

中国在 WTO 撤回对欧盟和美国把中国列为非市场国家的申诉

除此之外，如果美方收到中国通过第三国转运禁止进口商品的消息，中国需要在 15 天之内提供转运货物的详细信息包括每艘船的

目的地，如果中国没有做到，或者信息显示中国有通过第三国的转运行为，美国将会针对转运货物价值相等的部分征收关税。

中国明确知晓如果没有能执行框架协议里的承诺，美国将会进一步征收进口关税。如果中国违反了第二条有关知识产权部分的内容，美国海关和边境检察官有权没收假冒伪劣产品或者征收更重关税来弥补美国技术的损失。中国承诺不会采取任何报复行动。

全文完。

下面附上英文原文：

DISCLAIMER: The U.S. delegation is providing the below draft framework solely to help facilitate candid and constructive exchanges between the two sides. The current text is not a proposed international agreement and remains subject to ongoing review. In the interest of time and out of respect for the seriousness of the issues that the two sides will discuss, this document is being provided in advance of the visit and while this review is ongoing.

The U.S. delegation looks forward to discussing this draft and related issues later this week in Beijing.

BALANCING THE TRADE RELATIONSHIP

between

THE UNITED STATES OF AMERICA AND THE PEOPLE'S REPUBLIC OF CHINA

The Government of the United States of America ("United States") and the Government of the People's Republic of China ("China") have strong overlapping interests as the world's two largest economies and the major drivers of global growth. At present, the United States-China trade relationship is significantly imbalanced. United States investment and the sale of services into China remain severely constrained. China's industrial policies now targeting U.S. technologies and intellectual property pose significant economic and security concerns to the United States.

There is an immediate need for the United States and China to reduce the U.S. trade deficit with China by ensuring that China's market is open to United States traders and investors on a fair and non-discriminatory basis. China therefore undertakes to (a) eliminate improper tariff and non-tariff barriers to United States exports to China, (b) address China's policies and practices related to technology transfer and intellectual property, (c) treat United States service providers in China on terms equal to those provided to Chinese service providers in the United States, and (d) record China's agreement not to target United States farmers and agricultural products. To address these issues and restore balance in the United States-China trade relationship, there is an immediate need for the United States and China to agree on a set of concrete and verifiable actions.

SECTION 1

TRADE DEFICIT REDUCTION

China commits to work with Chinese importers to engage in trade transactions to achieve targets to which the Parties agree. These transactions are specifically designed to reduce the United States-China trade deficit by \$100 billion in the twelve (12) months beginning June 1, 2018, and an additional \$100 billion in the twelve (12) months beginning June 1, 2019, such that the U.S. trade deficit with China will have decreased compared to 2018 by at least \$200 billion by the end of 2020. China's purchase of U.S. goods will represent at least 75% of China's commitment to a \$100 billion increase in purchases of U.S. exports for the twelve months beginning June 1, 2018, and at least 50% of China's commitment to an additional \$100 billion increase in purchases of U.S. exports in the twelve (12) months beginning June 1, 2019.

SECTION 2

PROTECTION OF AMERICAN TECHNOLOGY AND INTELLECTUAL PROPERTY

In order to address China's policies, laws, regulations, practices and actions that are harming United States intellectual property rights, innovation and technology development, China commits as follows:

- (a) China immediately will cease providing market-distorting subsidies and other types of government support that can contribute to the creation or maintenance of excess capacity in the industries targeted by the Made in China 2025 industrial plan;
- (b) by January 1, 2019, China will eliminate specified policies and practices with respect to technology transfer;
- (c) China will take immediate, verifiable steps to ensure the cessation of Chinese government-conducted, Chinese government-sponsored, and Chinese government-tolerated cyber intrusions into U.S. commercial networks and cyber-enabled theft targeting intellectual property, trade secrets and confidential business information held by U.S. companies;
- (d) China will strengthen specified intellectual property rights protection and enforcement;
- (e) by January 1, 2019, China will eliminate the provisions of the Regulations on the Administration of the Import and Export of Technologies and the Regulations on the Implementation of the Law on Chinese-Foreign Equity Joint Ventures identified in the U.S. request for WTO consultations in *China – Certain Measures Concerning the Protection of Intellectual Property Rights* (DS542); and
- (f) by July 1, 2018, China will withdraw its request for WTO consultations in *United States – Tariff Measures on Certain Goods from China* (DS543) and will take no further action related to this matter under the WTO Understanding on Rules and Procedures Governing the Settlement of Disputes (“DSU”).

In addition, China will not take any retaliatory action, whether in the form of tariffs on imports of U.S. products or in any other form, including unwarranted sanitary and phytosanitary (“SPS”) measures, unwarranted technical barriers to trade (“TBT”) measures, antidumping and countervailing duties, and discriminatory inspection, quarantine and testing practices directed at imports of U.S. agricultural products, in response to actions taken or to be taken by the United States, including any new U.S. restrictions on investments or imports. China immediately will cease all retaliatory actions currently being pursued.

China agrees to immediately cease the targeting of American technology and intellectual property through cyber operations, economic espionage, counterfeiting, and piracy. China also agrees to abide by U.S. export control laws.

SECTION 3

RESTRICTIONS ON INVESTMENT IN SENSITIVE TECHNOLOGY

In light of China's prevailing investment restrictions and state-directed investment in sensitive U.S. technology sectors, including industrial plans such as Made in China 2025, China confirms that it will not oppose, challenge, or otherwise retaliate against the United States' imposition of restrictions on investments from China in sensitive U.S. technology sectors or sectors critical to U.S. national security.

SECTION 4

UNITED STATES INVESTMENT IN CHINA

China recognizes that China should not distort trade through investment restrictions, and that any investment restrictions or conditions imposed by China must be narrow and transparent. U.S. investors in China must be afforded fair, effective and non-discriminatory market access and treatment, including removal of the application of foreign investment restrictions and foreign ownership/shareholding requirements. In furtherance of these principles, China will issue an improved nationwide negative list for foreign investment by July 1, 2018. Within ninety (90) days of the date on which China issues this negative list, the United States will identify existing investment restrictions that deny U.S. investors fair, effective and non-discriminatory market access and treatment. Following receipt of the U.S. list of identified restrictions, China is to act expeditiously to remove all identified investment restrictions on a timetable to be decided by the United States and China.

SECTION 5

TARIFF AND NON-TARIFF BARRIERS

China's tariffs and non-tariff barriers are significantly higher than those of the United States for most tradable goods. China commits to address U.S. concerns relating to tariffs and non-tariff barriers as follows:

- (a) by July 1, 2020, China will reduce its tariffs on all products in non-critical sectors to levels that are no higher than the levels of the United States' corresponding tariffs; and
- (b) China will remove specified non-tariff barriers.

China also recognizes that the United States may impose import restrictions and tariffs on products in critical sectors, including sectors identified in the Made in China 2025 industrial plan.

SECTION 6

UNITED STATES SERVICES AND SERVICES SUPPLIERS

In order to achieve fair treatment with respect to U.S. services and services suppliers, China commits to improve access to its market in specified ways.

SECTION 7

UNITED STATES AGRICULTURAL PRODUCTS

In order to achieve fair treatment with respect to U.S. agricultural products, China commits to improve access to its market in specified ways.

SECTION 8

IMPLEMENTATION

China and the United States will meet quarterly to review progress in meeting agreed targets and reform

In the event that the United States considers that China fails to comply with any of China's commitments in this Framework, including deficit targets, China acknowledges the likelihood that the United States may impose additional tariffs or other import restrictions on Chinese products, or on the supply of services or investment, to such extent as the United States deems appropriate. China also understands that it will not oppose, challenge or take any form of action against the United States' imposition of additional tariffs or restrictions pursuant to this paragraph, including action pursuant to the DSU.

China will withdraw its WTO complaints regarding designations of China as a non-market economy by the United States and European Union (*United States – Measures Related to Price Comparison Methodologies* (DS515), *European Union – Measures Related to Price Comparison Methodologies* (DS516)) and refrain from challenging the treatment of China as a non-market economy under the DSU in the future.

Additionally, within 15 days of receiving written notice of a prohibited product that may have been transshipped through one or more countries, with or without modification, China will provide full details of every such shipment to the suspected destination or destinations. If China fails to do so, or if information reveals that transshipping is occurring, the United States will impose tariffs equal to the amount of suspected transshipments.

China understands that if it fails to uphold any commitment under this Framework for Discussion, it is likely that the United States will impose tariffs on imports from China, and, where appropriate in the event of China's commitments under subsection (c) of Section 2 or the last paragraph in Section 2, U.S. Customs and Border Protection will confiscate counterfeit and pirated goods or levy tariffs to compensate the United States for its lost technologies and intellectual property. China commits to not take any retaliatory action in response to the imposition of tariffs or confiscations by the United States pursuant to this Section.

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