Regulatory Environments for Chinese Overseas Direct Investment in Destination Countries Other Than the U.S.

Brian D. Beglin

Partner, Bingham McCutchen LLP Principal, Bingham Consulting LLC

September 23, 2013

Negative Factor	China		
Trade Imbalance	China is a net exporter and has significant trade surpluses with many developed countries		
Export led growth strategy	Yes		
Exchange Rate Policy	Rates do not float freely		
Capital Controls	Yes		
Inbound FDI restricted /	Yes (although China is one of the top destinations for FDI,		
highly regulated	there		
	are significant restrictions on the		
	form of investment and the		
	sectors where it is permitted)		
	Yes with a preponderance of State Owned Enterprises		
State Sponsored Industrial	(SOEs) and government support for "National		
Policy	Champions"		
Political, strategic and	China is not a close political, strategic or military ally of		
military competition	any developed country nor any but a few less developed		
	countries		
Primary area of FDI	Acquire international brands, supply inputs (e.g. oil)		
interest	and strategic technologies, resulting in relatively little or		
	no local employment		

BINGHAM

Region	EU is more favorable	EU is less favorable	EU is the same
Africa	15%	85%	0%
Australasia	11%	26%	63%
The Middle East	15%	69%	15%
Latin America	31%	56%	13%
North America	33%	21%	45%
Southeast Asia	48%	28%	24%

BINGHAM

Bingham in China

Beijing Office

China World Tower 3
1 Jianguomenwai Avenue,
50th Floor
Beijing, 100004
China
+86.10.6535.2888

Brian Beglin brian.beglin@bingham.com

Xiaowei Ye xiaowei.ye@bingham.com

Hong Kong Office

Suites 4901-4904 One Exchange Square 8 Connaught Place, Central Hong Kong

T +852.3182.1700

Matthew Puhar matthew.puhar@bingham.com

