

Research on the Investment Law of China Asean Free Trade Area

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Abstract: with the Development of Economy, Regional Cooperation Has Become an Important Driving Force for Future Economic Development and a Large Number of Future Development. It is Conducive to Maintaining the Free Trade System and Promoting the Economic Development of All Countries. in Recent Years, the Economic Cooperation between China and Asean Has Made a Breakthrough. Legal Cooperation is an Important Guarantee for the Construction of the Asean Free Trade Area. Based on the Existing Legal Cooperation Mechanism of the Asean Free Trade Area, Legal Cooperation between the Two Sides Can Be Promoted through the Path of Legal Cooperation. Establish a Transparent and Complete Legal System, Match with Relevant Laws, Establish a Dispute Settlement Mechanism in the Asean Free Trade Area, and Create a Good Legal Environment for the Development of the Asean Free Trade Area.

1. Introduction

Today's World Economy Has Two Important Characteristics[1]: Economic Globalization and Regional Economic Integration. Regional Economic Integration is Developing Rapidly. Wto Members Have Basically Established Free Trade Relations with Other Countries. China and Asean Are Developing Countries, and Their Economic Growth Depends on External Markets to a Limited Extent. Changes in the World Economy Will Have a Huge Impact on the Economy. on January 1, 2010, China and Asean Formally Established the China Asean Free Trade Area. with the Rapid Development of Economic Integration, China Put Forward the "Link and Road" Initiative in 2013[2]. These Show That with the Rapid Development of Regional Economic Integration, the Past Simple Regional Cooperation is Developing Towards the Direction of Deep-Level Regional Cooperation. This is the Trend of Comprehensive Economic Development. It Not Only Provides a Better Platform for China and Asean Countries to Cooperate More Closely with Each Other. in Addition, in Order to Further Strengthen the Level of Economic Cooperation, China Asean Free Trade Area Has Injected New Development[3]. the Common Construction Factor and Driving Force of the Maritime Silk Road is Based on China's Changing International Pattern to Develop Free Trade and an Open Economic System, Which Will Promote Cooperation among Countries Along the Route and is of Epoch-Making Significance. Based on the "Link and Road", Cafta Will Undertake the Development of the New Era and the Beautiful Dream of Development of Different Countries.

2. Foreign Legal Issues in the Development of Cafta

China Has Achieved a Series of Satisfactory Results through Active Exchanges and Economic and Trade Cooperation with Border Countries. However, in the Process of Promoting China Asean Free Trade, There Will Be Various Risks and Challenges[4]. in the Process of Development, the Contradictions At Home and Abroad Will Escalate. There Are a Series of Loopholes in Foreign Laws. These Problems Hinder the Long-Term Development of China Asean Free Trade.

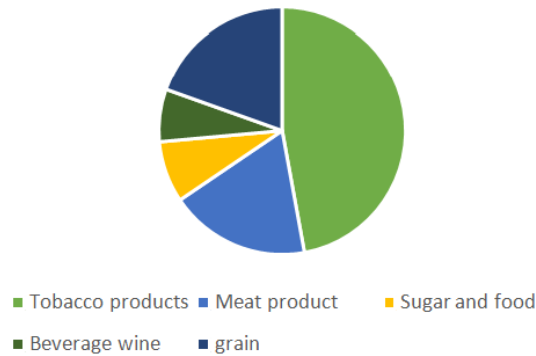


Fig.1 Investment Ratio of China Asean

2.1 “One Belt and One Road” Legal Risk of Foreign Investment

In recent years, the development process of CAFTA has been gradually accelerated, and mutual investment between China and ASEAN has also been gradually improved. China's “going out” strategy has made more investors take ASEAN as an important investment object, and this investment boom shows a rapid growth momentum. China's establishment of the ASEAN Free Trade Area has brought opportunities to all countries, but it also needs to fully understand and understand the existing problems. In some countries, due to the influence of political tendency, there are different legal provisions for many Chinese enterprises in the process of investment [5]. In addition, in terms of commodity trade, the commodity structure of foreign trade between China and ASEAN countries is very similar. Although the cooperation between China and ASEAN has expanded the scale of trade between the two countries, its smoothness is getting lower and lower. Complex customs procedures and market access restrictions restrict the development of commodity trade. In terms of service trade, the development of China's service trade is relatively late, and its classification standards and statistics are not completely consistent with international practices[6]. That makes the statistics of relevant data lack certain accuracy. The importance of VBS in China's service trade statistical database established in 2010 shows that it is necessary to further improve the data exchange with ASEAN countries, otherwise, it is an effective package plan that you can't propose. The service trade system of ASEAN countries is more perfect than that of China, but the member countries are mainly developing countries with underdeveloped economy. Many traditional countries and early childhood industries need to be protected. In addition, due to the uneven economic development, there is no unified understanding in the field of service trade. In some areas, the difference in law has led to the debate about the cooperation between countries, and the inadequate implementation of the law has affected the service trade of the country. Therefore, it is necessary to further improve the service trade management system of CAFTA.

2.2 Superposition of Tax Legal Risks in Cafta

During the development of China's ASEAN Free Trade Area, the tax system of many countries is not perfect, the international experience is not complete, and the tax environment is not very good. The lack of talent also makes this situation more difficult. According to the survey, many Chinese enterprises and ASEAN countries have great tax problems in their transactions. First, the risk of taxation is very high[7]. Tax risks mainly include double taxation, differential treatment, tax control, tax avoidance and so on. In recent years, Chinese enterprises have increased the scale and speed of investment in ASEAN countries, but affected by foreign tax laws and regulations, enterprises going abroad are facing great difficulties. At present, the accounting firm has issued the ASEAN Free Trade white paper, the high-level questionnaire survey of China's state-owned enterprises, and 70% of the ASEAN cooperative enterprises, and the complete tax system risk management system or special tax management department has not found it. And the gap between large multinational enterprises is very large. 70% of the enterprises have not learned the knowledge of tax in the process of overseas investment and have not hired experts for evaluation. Moreover, many countries along the route set high standards for tax guidelines and legal rules in foreign countries. There is

excessive taxation in foreign enterprises. Different countries have different tax rates, and the corporate income tax rate is essentially different. In the process of Taxation judgment, there is a great difference between the judgment standard and the international transport standard, so it is possible to repeat the later provisions.

3. Solutions to the Legal Problems in the Construction of China Asean Free Trade Area

There are many legal problems of foreign investment in the construction of China ASEAN Free Trade Area[8]. To promote the development of trade, it is necessary to clarify the legal boundary of ASEAN, promote the improvement of laws and regulations from the government policy, so as to help our small and medium-sized enterprises to go out and prevent the further expansion of legal risks, so as to truly build an integrated legal security system.

3.1 Providing Legal Services for Financing

The government should continue to promote the implementation of the project through high-level support. At present, in order to avoid double taxation, China has signed agreements with many countries to protect bilateral investment. Existing rules must be used to wash out the rights and obligations of different countries[9]. The countries concerned can also consult on legal issues and amend the results through multilateral or bilateral legal forms. The government should encourage and encourage lawyers to actively provide legal services for the Asian basic investment bank and the BRICs Development Bank, and effectively prevent financial risks at the legal level. China's bonds in developing countries provide the legal basis for development. Therefore, we are also engaged in the export of lawyers, overseas investment insurance, a new type of business. Expanding overseas insurance claims clearly states that in order to protect the legal rights of the parties, lawyers should make good use of it.

3.2 Improve the International Tax System and Promote International Cooperation

Most of the legal problems in the development of CAFTA are incomplete international tax system. The top-level design must start from a long-term perspective and combine with the actual situation of each country to provide assistance for the development of tax law in the future. Please make active negotiations among countries along the route and establish a good environment for legal domination. At home, we actively build a tax system support system, implement service preparation, and increase the legalization of Taxation in China ASEAN Free Trade Area. With reference to the customs of the European Union and the implementation of double taxation agreements in special regions, tax system support, information exchange and confidentiality measures can be gradually developed through comprehensive local tax agreements. The construction of the national conditions insurance center, through and activation, the collection of tax information and policy information of various countries, strengthening the analysis of experts, and through the investigation and judgment of the legal situation of various countries, enterprises can feel at ease.

3.3 Strengthen the Implementation of International Tax Treaties

In the development process of CAFTA, enterprises make effective use of regional resources and agreements, and can not use effective tax system plans. In order to get a reasonable priority and a reasonable economic and trade cooperation area, they can not rely on a substantial increase in investment costs. Therefore, the international tax system should reduce the risk of enterprise tax system, avoid the possibility of double taxation and improve the certainty of tax system. In the process of overseas tax disputes, in order to enable enterprises to enjoy the preferential income tax from the host country, relevant tax provisions should be added to the negotiation procedure. To adjust the current domestic tax law, it is not enough to adjust the rules of foreign income tax. It is also necessary to adjust the domestic tax system. In order to clearly reflect the interests of overseas enterprises, the Ministry of Finance and the State Administration of taxation may issue uniform implementation rules. Through the improvement of indirect credit law, the shareholding ratio of

shareholders can reach more than 20% and less than 10%, which can correctly and reasonably divide the nature of interest obtained by overseas banks.

4. Strengthening Judicial Coordination among Countries

Different countries have different laws. Laws and regulations should be effective, fair and transparent. The establishment of a unified law can promote the development of China ASEAN free trade. At present, the infrastructure construction of China ASEAN Free Trade Circle has always been improved, and the cooperation between energy and communication has become more and more intense. Therefore, with the expansion of communication field, the cross-border trade economy has always increased, and the judicial authorities are facing legal disputes. Therefore, the means of adjustment should go hand in hand with the times. Instead, there should be judicial concerns and requirements related to state aid. Therefore, we must respond positively. Then, we must increase our aid. Please cooperate with criminals at home and abroad in the fight against crime and terrorism and create a secure and stable legal environment. We should implement the development law of equal treatment between China and foreign countries, maintain fair competition and win in integrity and harmony. In the event of legal conflicts, we must abide by the laws of various countries, complete treaties, exercise jurisdiction and protect China's judicial sovereignty. At the same time, participating countries are allowed to achieve mutual benefit through judicial assistance. In order to learn from and exchange information with the arbitration institutions of the international judicial court and reduce loopholes in relevant laws. It is necessary to strengthen the gap in legislation of foreign laws and make relevant laws in accordance with international and national laws. China should also pay attention to the identification and application of foreign laws and avoid using them in the way of unified national laws. The best way is to establish a dispute settlement body that can be jointly certified. Through administration and legalization, member states of all countries can actively participate in and fully participate in the judicial institutions of all countries, make rational use of international treaties on trial, and strengthen the status of regional countries. Understand the communication between different organizations and establish agreements.

5. Conclusion

China's ASEAN Free Trade Area has been established, but there are still many legal issues to be solved urgently. To some extent, these problems hinder the rapid development of CAFTA. Moreover, the "belt and road" Initiative puts forward higher necessary conditions for the content of CAFTA to establish relevant legal systems in China and ASEAN countries. Therefore, it is necessary to study the improvement of the relevant legal system of China ASEAN Free Trade Area from the perspective of "link road" construction, and solve important theoretical issues and topics. When we study the legal loopholes and related legal issues in the construction of CAFTA, we will lay a solid foundation for the development of CAFTA on the basis of the implementation and promotion of CAFTA.

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