



China-EU School of Law 中欧法学院

At the China University of Political Science and Law 中国政法大学

Newsletter

新闻通讯

Issue 7 第七期 12/2014



Dear colleagues and friends of CESL

2014 has almost come to an end. It was another year of hard work for the future of our school but also a year of achievements and success. The great result in the VIS Moot in Hong Kong, the successful completion of a number of research projects, workshops and publications and our excellent placement of graduates in the labour market are just some highlights we want to mention. Another important event was our academic conference in October about which you can read on page 5 of this newsletter. We are now looking forward to 2015 with new plans and ideas.

On behalf of the China-EU School of Law we would like to thank all our staff members, both full-time and part-time, colleagues from our partner universities and all others who support our work in many ways. We extend our best greetings for the upcoming holiday season, and we wish you a peaceful New Year and a successful 2015.

Prof. Dr. Armin Hatje
Prof. Dr. Liu Fei
Dr. Clemens Richter

亲爱的 CESL 朋友们，

2014 年即将与你我作别。这一年既是努力耕耘的一年，又是收获颇丰的一年。香港 VIS 模拟仲裁取得佳绩，众多研究项目顺利结项，研讨会的成功举办、书籍出版、毕业生的稳定就业……于 10 月份举办的学术会议是中欧法学院今年的另一个重头戏，您可以在本新闻通讯的第 5 页了解更多信息。我们期待一个充满新意的 2015 年！

我们谨代表中欧法学院向学院工作人员，无论全职或兼职，向合伙人院校同事以及所有支持学院工作的朋友们表示感谢并向你们致以节日的问候：祝大家新年快乐！2015 年大吉！

刘飞教授
Armin Hatje 教授
Clemens Richter 博士

CESL Insolvency Law Day

CESL held the CESL Insolvency Law Day on 15 October 2014. During the event, two lectures were given by internationally renowned scholars, followed by academic comments and discussions. In the morning lecture, Charles D. Booth dealt with “Developing Effective Insolvency Infra-structures in China, Japan & Hong Kong”. Prof. Booth teaches at the William S. Richardson School of Law at the University of Hawai'i and serves as the Founding Director of the Institute of Asian-Pacific Business Law. He has been a frequent visitor to CUPL. In the afternoon Ignacio Tirado elaborated on the problem of sovereign debts in his lecture "The Tragic Insolvency of European Nations. Has The Problem Been Correctly Approached?" Prof. Ignacio Tirado is a member of the CESL Flying Faculty and works as Professor of Corporate and Insolvency Law at the Universidad Autónoma de Madrid (Spain). He is a Senior Legal Consultant at the World Bank and a Consultant on insolvency-related matters to the IMF's Legal Department. After the lecture, CESL PhD candidate Zhang Yutong gave comments on the relevant topics from a Chinese perspective in a short presentation.



Charles D. Booth



Ignacio Tirado

中欧法学院破产法讲座日

中国政法大学中欧法学院于 2014 年 10 月 15 日举办了“破产法讲座日”活动。活动当天，有两位国际知名学者为同学们带来精彩演讲。上午，Charles D. Booth 教授介绍了《亚洲的公司破产制度：中国大陆、香港和日本有效破产制度的建立》。Charles D. Booth 教授任教于夏威夷大学威廉·理查森法学院，是亚太商业法研究所的创建理事，并多次到访中国政法大学。当天下午，Ignacio Tirado 教授通过他的演讲《欧洲国家破产的悲剧——问题是否被恰当地处理了呢？》剖析了主权债务问题。Tirado 教授是我院的飞行教授，并且作为西班牙马德里自治大学企业和破产法教授的他还兼任世界银行（私营部门）法务副总裁高级法律顾问以及国际货币基金组织破产相关事务的顾问。讲座结束后，我院博士研究生张彧通也从中国法律法规的角度对相关问题表达了观点。

Guest Lectures held at CESL

1 Ass.iur. Liane Schmiedel (Max Planck Institute, Hamburg) :: 26.9.2014
Round-Table Lecture: Mediation in Continental Europe - Challenges and Prospects

2 Prof. Thomas Eger (Univ. Hamburg) :: 5.11.2014
The Role of Open Access in the Future of Academic Publishing

3 Prof. Federico Casolari (UNIBO) :: 14.11.2014
External Dimension of EU Disaster Response Law

4 Prof. Tibor Tajti (CEU) :: 10.12.2014
Could Continental Europe adopt a uniform Commercial Code Article 9-Type Secured Transactions System?

嘉宾讲座

2014-9-26

Liane Schmiedel 女士（马克斯普朗克研究所，德国汉堡）《欧洲大陆的调解制度——挑战与前景》

2014-11-5

Thomas Eger 教授（汉堡大学，德国）《开放阅览在未来学术出版中的角色》

2014-11-14

Federico Casolari 教授（博洛尼亚大学，意大利）《〈欧盟救灾响应法〉的外部尺度》

2014-12-10

Tibor Tajti 教授（中欧大学，匈牙利）《〈统一商法典〉第九条规定的担保交易体系能否在欧洲大陆站稳脚跟？——在不同法律平台的效果》

Career Event

On 28 September 2014, a Baker & McKenzie on-campus recruitment activity was held at CESL. Ms. Peng Fan, the HR manager of the Beijing office of Baker & McKenzie attended the event as the keynote speaker. Ms. Peng Fan gave attendees a detailed and comprehensive introduction of Baker & McKenzie and shared her personal ideas on how to become a remarkable lawyer.

就业宣讲

2014年9月28日，贝克·麦坚时国际律师事务所2014年校园宣讲会在我院举行。贝克·麦坚时国际律师事务所北京代表处人力资源经理彭凡女士作为主讲人出席了本次宣讲会，向同学们介绍了该律所，并对如何成



Liane Schmiedel



Thomas Eger



Federico Casolari



Tibor Tajti



彭凡/Peng Fan

为一名卓越的律师分享了自己的看法。

CESL attended the Second Meeting of the China-EU High Level People-to-People Dialogue

On September 6th, 2014, Prof. Liu Fei, Chinese Co-dean of CESL, Dr. Clemens Richter, European Executive Co-dean of CESL, Ms. Zeng Binbin, Vice-director of Teaching Affairs and Ms. Pan Chenwei, Programme Assistant along with 14 student representatives from the 2012 intake of CESL were invited to attend the Second Meeting of the China-EU High Level People-to-People Dialogue in the Diaoyutai State Guesthouse. The dialogue is an international forum between the Chinese government and the European Commission.

本院师生参加中欧高级别人文交流对话机制第二次会议

2014年9月6日，中欧法学院中方联席院长刘飞教授，欧方执行院长 Clemens Richter 博士，教务办公室副主任曾彬彬，项目助理潘辰唯以及14位2012级学生代表，受邀赴钓鱼台国宾馆芳菲苑参加了中欧高级别人文交流对话机制第二次会议。该对话机制是中国政府与欧盟委员会打造的国际交流平台。

Visit from Leiden

Prof. Rick Lawson, the Dean of Leiden University Law School, Netherlands, visited CESL at CUPL on 3 December, 2014. He was welcomed by the Chinese Co-Dean and the European Executive Co-Dean of CESL. The Co-Deans gave a brief introduction to CESL, its history and its academic structure. Prof. Rick Lawson expressed great interests in the prominent position of CESL as a platform for China and EU legal exchange. He discussed with CESL staff the academic work carried out under the three pillars of CESL and both sides investigated the possibilities of future cooperation. After the meeting the dean visited the CUPL campus, including the library and CESL teaching rooms.

来访

2014年12月3日，荷兰莱顿大学法学院院长 Rick Lawson 教授到访中国政法大学中欧法学院，并受到学院中方联席院长和欧方执行院长的热情迎接。

在听过我院两位院长对学院的历史和架构的简短介绍后，Rick Lawson 教授对学院作为中欧法律交流的平台，其作用和地位日渐凸显表示出了浓厚兴趣。通过学院老师的介绍，Lawson 教授对中欧法学院“三大支柱”下学术工作的发展情况有了一定了解，继而双方就未来合作的可能性深入交换了意见。会晤过后，Lawson 教授还走进了政法大学校园，参观了校图书馆和中欧法学院教室。



刘飞/Liu Fei, Rick Lawson, Clemens Richter

2014 Academic Conference on “Administrative Litigation Law”

Co-organized by the China-EU School of Law (CESL) at the China University of Political Science and Law (CUPL) and Research Centre for Government by Law (RCGL) at CUPL, the 2014 China-Europe Academic Conference was held at the Beijing University of Posts and Telecommunications Hotel on 23 October 2014. The overarching topic of the conference was on “The Revision of the Chinese Administrative Litigation Law”. The conference lasted for one day and was composed of four sessions, which included: Complaints against Administrative Decisions: Revised Administrative Decision and Original Decision; Contracts between Citizens and Administrative Authorities under Administrative Litigation Law; The Invalidity of Administrative Decisions; Overview of the Various Types of Lawsuits Possible against Administrative Decisions: Focusing on Preventive Lawsuit and Confirmative Lawsuit (Feststellungsklage). The topics had been chosen in cooperation with the Office for Administrative Law of the Legislative Affairs Commission of the Chinese National People’s Congress (NPC), PRC, and the Office sent four representatives to take part in the conference, in which attracted around 50 scholars and experts both from China and Europe to participate.

2014 中欧学术研讨会：“聚焦行政诉讼法修改”在京召开

2014年10月23日，由中国政法大学中欧法学院和法治政府研究院联合举办的2014中欧学术研讨会“聚焦行政诉讼法修改”在北邮大厦举行。会议为期一天，分四个单元对“中国行政诉讼法修改”这一核心议题进行讨论，包括：行政诉讼中的复议决定与原决定、行政合同的性质与适用、具体行政行为之自始无效以及预防性诉讼与确认之诉等。全国人大法工委也参与到最初议题的选择和制定，并派出4位代表参加了本次会议。中欧各方学者共约50余人参与了会议的研讨。



Further Research News

其他科研进展

1 Approved and funded by the China-EU School of Law, “*The Public Interest in Chinese Law*” was successfully published by Peking University Press in July 2014. It is the final output of the research project on the same topic. Professor Zheng Yongliu led this project together with Associate Professor Zhu Qingyu who was in charge of the project execution. In addition, nine other researchers made their contributions in compiling the book.

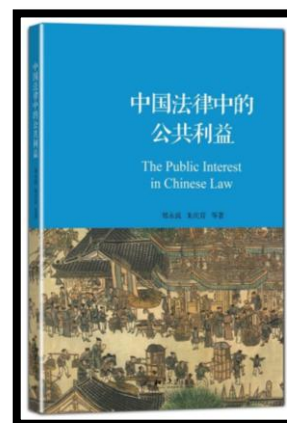
《中国法律中的公共利益》一书于 2014 年 7 月由北京大学出版社出版，此书是 2011 年 3 月由中欧法学院批准并资助的同名课题的最终成果，郑永流教授是此项目的负责人，朱庆育副教授是此项目的执行负责人，另外还有 9 名研究成员参与了此书的编写。

2 After discussion and consultation on September 10th 2014, the Co-deans of CESL have jointly decided that Prof. Armin Hatje, European Co-dean of CESL, and Prof. Liu Fei, Chinese Co-dean of CESL, will hold the posts as Editors-in-Chief of China-EU Law Journal and Prof. Björn Ahl from the Institute of East Asian Studies, University of Cologne and Dr. Zhao Tianshu, Executive Manager of CESL research center, will assume the function as Associate Editors.

2014 年 9 月 10 日，联席院长经会商后共同决定，由欧方联席院长 Armin Hatje 教授与中方联席院长刘飞教授担任《中欧法律杂志》主编，德国科隆大学 Björn Ahl 教授与本院研究中心执行经理赵天书博士担任助理编辑。

3 On 10 October 2014 the University of Bologna hosted a final workshop as part of the CESL Research project “EU-China Disputes on Trade Remedies, Climate Change and Natural Resources: A Legal Analysis for a Better Legal Framework and Cooperation” led by Prof. Elisa Baroncini. The event brought together several European and Chinese scholars that provided a comprehensive overview of the EU-China trade disputes in light of the new challenges faced in the field of sustainability.

2014 年 10 月 10 日，做为中欧法学院科研项目——“关贸易救济、气候变化和自然资源的争端：促进法律框架及合作的法律分析”的最后一部分，相关的主题研讨会在博洛尼亚大学举办。该研讨会由 Elisa Baroncini 教授主持。多位欧洲和中国学者参与其中，全面讨论在可持续发展领域面临新挑战情况下的中欧贸易争端。



4 On 20-21 October 2014, the China-EU School of Law (CESL) organized a workshop on the topic of “China-EU Environmental Law”. The workshop was held at the China University of Political Science and Law (CUPL) in Beijing. The event brought together several European and Chinese scholars from five CESL consortium universities including Lund University, KU Leuven, University of Bologna, CUPL, and Tsinghua University, as well as from Xiamen University and Chongqing University. During the workshop insights on different current topics and challenges in the area of environmental law in Europe and China were given. The findings of the workshop will be published in the China-EU Law Journal.

2014年10月20日至21日，由中国政法大学中欧法学院组织的“中欧环境法研讨会”在中国政法大学举行。此次研讨会吸引了来自中国政法大学中欧法学院合作院校的隆德大学、鲁汶大学、博洛尼亚大学、中国政法大学、清华大学以及来自厦门大学和重庆大学等中、欧知名院校的众多专家学者参与。会议期间，学者们就当今中、欧环境法领域的不同话题和所面临的挑战各抒己见、深入交流。议题包括：环境法立法趋势与中国环境保护法修正案、不断变化的目标、新技术与立法者、排放交易机制、气候变化立法、化学品风险管控的相关法律与打击环境犯罪、环境法的行政强制执行、公益诉讼与环境问题的大众参与。此次研讨会所总结的观点将收录在《中欧法律杂志》中。



“China-EU Environmental Law” Workshop
中欧环境法研讨会



5 A Research Grant of the China-EU School of Law (CESL) at CUPL enabled a workshop on new developments of Administrative Procedure Law, specifically discussing developments in Germany and China. A delegation of Chinese Academics under the leadership of Prof. Ying Songnian visited the University of Hamburg on 4 November 2014 and discussed new developments of administrative proceedings with colleagues from Hamburg, Münster and Gießen. Control and Effectiveness of administrative actions played a central role in the discussions: Which measures guarantee an internal control of administrative decisions? How can complex planning issues be organized – with a specific focus on infrastructure projects? How to organize external control of administrative decisions? These and further questions were discussed in detail. “It was remarkable how lively and intense the discussions were held among all participants of the workshop” Prof. Dr. Armin Hatje, the European Co-dean of CESL, stated, who co-organized this workshop as part of a research activity of the law school.



Workshop on new developments of Administrative Procedure
Law
“聚焦《行政程序法》新动向”研讨会

2014年11月4日，由中国政法大学中欧法学院研究项目资助的“聚焦《行政程序法》新动向”研讨会在德国汉堡举行。此次研讨会特别关注了中德两国《行政程序法》的新发

展。由应松年教授担任领队的中方学术代表团赴德国汉堡大学参加了此次会议，并与汉堡大学代表 **Münster** 教授和 **Gießen** 教授就行政诉讼的发展进行了交流。行政行为的控制与效力成为了此次会议的关键词。双方就“以何种方式保证行政决定的内部控制？”、“如何构建复杂的规划问题？——以基础设施项目为例”和“如何实现行政决定的外部控制？”等议题深入地交换了意见。本次研讨会是中欧法学院研究资助项目的活动之一，研讨会联合组织者、中欧法学院欧方联席院长 **Armin Hatje** 教授指出：“这是一场非常好的研讨会，与会专家学者均积极深入参与讨论。”

6 On 5 December 2014 a symposium on the topic “Towards a China-EU Investment Agreement: Challenges, Themes and Competences” was held at Trinity College Dublin. The symposium aimed to shed light on the regulatory challenges and opportunities for building future bilateral investment between the two economic blocks and was jointly organised by Trinity College and the China-EU School of Law. David O’Sullivan, EU Ambassador to the US, gave the keynote speech. The symposium brought together not only lead negotiators of both EU and Chinese delegations, but also leading experts from academia, industry and policy-making to discuss the legal frameworks needed to facilitate bilateral access to foreign direct investment between the two economic blocks and also provided a forum to discuss practitioner perspectives.

2014年12月5日，题为“中欧投资协定：问题、主题与权限”的研讨会在都柏林圣三一学院举行。会议旨在讨论两大经济体间建立未来双边投资所面临的机遇与法律挑战。会议由圣三一学院与中欧法学院联合举办。欧盟驻美国大使 **David O’Sullivan** 做主题演讲。本次会议不仅聚集了欧洲和中国的顶级谈判专家，还吸引了广大前沿学者、行业专家及政策制定者前来探讨支持两大经济体间进行外国直接投资（**FDI**）的法律框架。会议还为法律实务工作提供了讨论平台。



Conference on “Towards a China-EU Investment Agreement: Challenges, Themes and Competences”
“中欧投资协定：问题、主题与权限”研讨会



Professional Training

职业培训

Training with ACLA

Although an event from late summer, we still want to share the following news with our readers. The China-EU School of Law (CESL) and the All-China Lawyers Association (ACLA) co-organized the 2nd workshop of “Leading Professionals” for Chinese international lawyers for two weeks. The main focus of the training course was on “cross-border M&A”.

Within the 10 days of training, the 100 lawyers selected from the talent pool participated in the courses focusing on “cross-border M&A” held by experts from the Ministry of Commerce, State Administration of Foreign Exchange (SAFE) and China Development Bank (CDB) as well as senior financiers in the field of investment, entrepreneurs, national legal consultants and partner lawyers of several top law firms in China, who systematically introduced the trends of global M&A, investment protection agreements signed by China, risk identification and prevention methods during “Going Global” strategy by Chinese companies, procedures of M&A, foreign exchange administration, legal due diligence investigation, assets evaluation, M&A fund, International Labour Law, IP, overseas anti-corruption, international environmental protection, anti-monopoly investigation, national security review and system of dispute resolution, etc. Ten trainees of the programme who passed the interviews held by ACLA and CESL from 10-12 August will have the opportunity to join the training and internship programmes in Europe this year.



中华全国律师协会培训项目

虽然该培训发生在 2013 年的夏天，但中欧法学院仍愿与您分享这段金色时光。

一年前的夏天，中欧法学院与中华全国律师协会联合组织了为期两周的第二期涉外律师“领军人才”培训班，主题为“跨境并购”。

在 10 天的培训当中，经过中华律协人才库的层层筛选，有 100 位律师最终脱颖而出，参与到此次“跨境并购”培训当中。负责培训的专家分别来自商务部、国家外汇管理局和国家开发银行，此外，培训专家组还包括投资领域高级金融师、企业家、法律顾问和国内顶尖律所的合伙人律师等。培训科目涵盖全球并购趋势、政府签订的投资保护协议、中国企业在“走出去”战略中的风险识别及预防措施、并购程序、外汇管理、法律信息调查、资产评估、并购基金、国际劳动法、知识产权、海外反腐、国际环境保护、反垄断投资、国家安全审查以及争端调解机制等。通过全国律协和中欧法学院于 8 月 10 日至 12 日的遴选，10 名参与培训班的学员将有机会参与今年在欧洲举办的法务实践活动。



Training with civil servants

During 3 to 7 December 2014, CUPL, CESL and County Party Committee of Yao'an co-organized training activity on the topic of "Learning and implementing the spirit of the Fourth Plenary Session of the 18th CPC Central Committee, Furthering the Promotion of Rule of Law in Government Construction". During the training, Dr. Clemens Richter, the Executive Co-dean of CESL, delivered a lecture on "The Rule of Law – Perspectives and Experiences from Germany" and introduced the differences between the rule of law and the rule of people by interesting examples.



公务员培训

2014年12月3日至7日，中国政法大学、中欧法学院和姚安县委在昌平联合举办了“学习贯彻十八届四中全会精神，深入推进法治政府建设”专题研修班。期间，我院欧方执行院长 Clemens Richter 博士做了题为“德国法制的理论与实践”的演讲，以生动的例子为姚安县委的公务员介绍了的人治与法治区别与关系。



Visit from Beijing Lawyer Association

On 10 December 2014 a delegation of the Beijing Lawyers Association visited the Consortium Office of the China-EU School of Law at the University of Hamburg. The purpose of the visit was to discuss a possible future cooperation on training courses for Chinese lawyers in Europe.

北京律师协会代表团访问汉堡办公室

2014年12月10日，北京律协代表团访问了中欧法学院位于汉堡的合伙人办公室，双方就未来合作并派遣中国律师赴欧参加培训等事项进行了磋商。



Visit from BJLA
北京律协代表团访问我院汉堡办公室

Training with NPC

On 18-19 December, two courses for young prosecutors organized by CESL had been held at the National Prosecutors College on the topics of "Trial Psychology" and "Prevention and Combating Corruption". The speakers were Prof. André de Zutter, Maastricht University and Mr. Alf Johansson, Chief Public Prosecutor, Swedish Prosecution Authority, National Anti-Corruption Unit.

国家检察官学院培训

2014年12月18日至19日，中欧法学院在国家检察官学院为年轻的检察官们连续举办了两场培训课程。课程分别是由荷兰马斯特里赫特大学 André de Zutter 讲师带来的“审判心理学”，以及瑞典国家反贪处首席检察官 Alf Johansson 带来的“欧洲反腐败制度和机制以及调查措施”。



Published by:

The China-EU School of Law
at the China University of Political Science and Law
No. 27, Fuxue Rd.
Changping District, Beijing
P.R. China, 102249

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