

**THE EUROPEAN CHINA LAW STUDIES
ASSOCIATION (ECLS)**

2011 ANNUAL GENERAL CONFERENCE



欧洲中国法研究协会

**“LAW AND JUSTICE:
CHINA’S PRACTICES IN A GLOBAL CONTEXT”**

SCIENCES PO PARIS, SEPTEMBER 28-29, 2011



**WITH THE GENEROUS
SUPPORT OF:**



HOSTED BY:



Admission to the conference is free.

Registration is required for all attendees.

For registration, please contact: He Xin (in Beijing): helay_223@yahoo.com.cn and Jin Zheyuan (in Paris): zheyuan.jin@sciences-po.org

--Since its founding in 2006, the European China Law Studies Association has become a major meeting point for scholars, observers and practitioners around the world who are engaged in the study of Chinese legal environment and its changing society, from both a comparative and interdisciplinary perspectives.

ECLS annual general conference provides an excellent forum for the exchange of information as well as a platform for the development of research collaborations and joint projects.

The conference is also intended to cultivate a new generation of scholars and practitioners interested in issues related to China, the EU and legal globalization.

--We would like to express our sincere gratitude to the following colleagues for their assistance in organizing the 2011 ECLS annual conference: Marie Valin-Colin, Catherine Capelle-Benichmol, Liu Zhongjun, Karolina Michel and Catherine Honnorat at Sciences Po as well as Christine Da-Luz, Olivier Delpoux and Anthony Chaumuzeau (MAEE), Ninon Colneric (CESL), Serge Abou and Maria-Rosa Sabbatelli (EU Delegation in Beijing), Antoine Garapon (IHEJ), Hatla Thelle, Knut Pissler (ECLS), Jerry Cohen (NYU) and Phyllis Chang (CLD).

Stéphanie Balme (Conference Organizer): stephanie.balme@sciences-po.fr

PROGRAM

DAY I - September 28 2011

Venue: Sciences Po CERI, 56 rue Jacob, 75006- Subway St Germain des Près

Morning Session: 8.30 a.m. - 12.30 p.m. Conference Room

◆ **8.30-9.00 a.m. Registration**

◆ **9 a.m. – 10 a.m. Welcoming Speeches**

-H. E **Serge Abou** (Former European Union’s Ambassador to China, Professor at CESL and Sciences Po Paris)

-Prof. **Michail Xifaras** (Sciences Po Paris, School of Law) and Prof. **Stéphanie Balme** (Sciences Po Paris and Tsinghua University School of Law, Conference Organizer)

-Prof. **Anthony Chamboredon** (Paris V Descartes University, Law School, Franco-Chinese Legal Study and Research Association, AERJFC)

◆ **10 a.m. - 12.30 p.m. Keynote Speeches: “China’s Legal and Judicial Practices in a Global Context”**

-Prof. **Jérôme Bourgon** (CNRS/Asia Institute, Lyon): “China Law and History”

-Prof. **Jerome A. Cohen** (New York University School of Law): “China’s Criminal Justice Today”

-Prof. **WANG Chenguang 王晨光** (Former Dean, Tsinghua University School of Law): “Legal Transplantation: The Chinese Way”

-Prof. **Mireille Delmas-Marty** (Collège de France, Chair of the Comparative Legal Studies and Internationalization of Law Program) : « Ordering (Legal) Pluralism »

◆ **Discussion**

Buffet- Venue: Sciences Po, 56 rue des St Peres, 5th Floor, Goguel Room

DAY I - September 28 2011 (continued)

Afternoon Session: 2.00 p.m. – 6.00 p.m. or 6.30 p.m.

◆ Workshop 1- Environment Law and Sustainable Development

Venue: Sciences Po, CERI, 56 rue Jacob, Conference Room

Chair: Prof. **François-Guy Trebulle** (Paris V Descartes University, Law School, French environmental law expert)

Introductory Talk: “China’s Environmental Law Today”, Prof. **Marina Timoteo** (Bologna University, School of Law, China environment law expert)

Discussants: Prof. Trebulle and Prof. Marina Timoteo

-**Marie-Aude Balland** (DS Avocats, Paris): “Environmental Protection at the Forefront of China’s Priorities”

-**ZHENG Jianing 郑佳宁** (China University of Political Science and Law, Energy Law and Policy Institute, Beijing): “The Four-Dimensional Structure of the Energy Market Access System in China”

-**Yvan Razafindratandra** (Adamas Avocats, Paris; Franco-China Environment and Energy Association): “The Circular Economy in Chinese Law: A Comparison with the European Experience”

-**WEN Xiang 文向** (Ghent University, Environmental and Energy Law Center): “The Nagoya-Kuala Lumpur Supplementary Protocol: Challenges for China’s Biosafety Regime”

-**WU Zhifen 吴志芬** (Paris V Descartes University, Environmental Law Department, AERJFC): “Environmental Law in China: The Challenge of Codification”

-**Valeria Poppa** (China-EU School of Law & Bologna University): “China’s Environmental Laws: Sustainable Enforcement towards Sustainable Development?”

-**WANG Xinhong 王心虹** (Centre for East Asian Studies, University of Turku), “Pushing-hands: Access to Environmental Information upon Disclosure Request between Greenpeace and Zhuzhou EPB”

◆ Workshop 2- Legal Safety

Venue: Sciences Po, CERI, Jean Monnet Room

Chair: Prof. **Knut Benjamin Pissler** (Max Planck Institute of Comparative and International Private Law, Hamburg)

Introductory Talk: Prof. **Attila Menyhárd** (University of Budapest, School of Law, Hungary): “Private Law Reform in Post-Socialist Jurisdictions”

DAY I - September 28 2011 (continued)

Discussant: Prof. **Attila Menyhárd** with **MIAO Beihui** 缪卑慧, (King's College London, School of Law)

-**Nicolas Nord** (University of Strasbourg, Law School): “The New Statute on Conflict Laws: Approaching China from Europe”

-**Christina Eberl-Borges** (University of Siegen, Faculty of Business Economics, IT and Business Law): “Freedom of Contract in Today’s Chinese Law and Legal Practice”

-**Laura-Emilia Ascher** (University of Vienna, Department of Civil Law): “Punitive Damages under the New Chinese Tort Liability Law”

-**Agata Pienkosz** (University of Warsaw School of Law, and China University of Science and Technology): “A Comparative Analysis of EU and Chinese Regulation of Concentration of Undertakings”

-**Richard WU** 胡惠生, (University of Hong Kong, Faculty of Law): “A Study of Land Registration Act 2002 of England and Its Lessons for Title Registration Reform in China”

-**LI Bin** 李滨 (Harbin Institute of Technology, School of Law): “Small Title” Houses: an Example of Informal Property Law with Chinese Characteristics”

-**Mark D. Kielsingard with CHEN Lei** 陈雷 (City University of Hong Kong, School of Law): “The Emergence of Private Property Ownership in China and Its Impact on Human Rights”

Evening Session: 7.00 p.m. -9.00 p.m. Conference Room

∞ Showing of “Game Theory” (博弈), a Chinese documentary on expropriations cases (original version with English subtitles), 2010, directed by Wang Qiren.

Our thanks to Director Wang Qiren and CNEX for kindly allowing us to show the film.

Day II - September 29, 2011

Venue: Sciences Po CERI, 56 rue Jacob, 75006- Subway St Germain des Près

Morning Session: 9.00 a.m. - 12.30 p.m.

◆ Workshop 3- Law in Practice

Venue: Sciences Po CERI, Conference Room

Introductory Talk and Chair: Judge **Antoine Garapon** (Institute of High Studies on Justice/IHEJ, Paris, Secretary-General)

Discussants: Prof. **Christiane Wendehorst** (University of Vienna, Department of Civil Law, ECLS Co-President)

-**CHEN Yifeng** 陈一峰 (Helsinki University, Faculty of Law) : "International Law and Chinese International Lawyers"

-**Wim Muller** (European University Institute, Florence): "China's Sovereignty in International Law, Convenient Excuse or Genuine Historical Grievance?"

-**Leila Choukroune** (Maastricht University, India Institute): "China and International Justice".

-**Bjorn Ahl** (China-EU School of Law, Beijing): "Introduction of the Guiding Case Mechanism in China: A Comparative Constitutional Analysis of Judicial Law-making"

-**ZHU Guobin** 朱国斌, (City University of Hong Kong, School of Law): "The Right to Use Minority Languages in Schools As a Human Right – An Assessment of the Chinese Case"

-**Astrid Lipinsky** (Vienna University, Faculty of Law): "Positioning Gender in Chinese Law: From Legal Education to Legal Practice"

◆ Workshop 4- The Future of Law

Venue: Sciences Po, CERI, Jean Monnet Room

Introductory Talk and Chair : Prof. **Roger Greatex** (Lund University, Center for East and South East Asian Studies, Director).

Discussants: Prof. Roger Greatex, **Prof. Heinrich Julius** (China-EU School of Law/CESL and Hamburg University) and Prof. **Anthony Chamboredon** (Paris V Descartes University School of Law)

-**JIANG Ge** 蒋舸, (Max-Planck Institute - Institute of Intellectual Property and Competition Law, Hamburg): "Personal Data Protection in China: Present and Future"

-**HUA Jie** 华劫, (The University of Hong Kong, Faculty of Law) : "The Fair Use System in Chinese Copyright Law in The Digital Network Age: the Notion of Legal Flexibility and Certainty"

-**Rogier Creemers** (Maastricht University, School of Law): "Audiovisual Media Regulation in the PRC: Control, Development and Internationalization"

-**BU Qingxiu 卜庆修**, (Queens' University, School of Law, Belfast; Director of the Master of Laws Programme): "Will Chinese Legal Culture Constrain its Corporate Governance-related laws?"

-**Anu M. Lähteenmäki-Uutela** (University of Turku, School of Law, Finland): "European and Chinese Law on Food Production and Marketing"

-**HAO Qian 郝倩** (China University of Political Sciences and Law, Beijing): "A Socialist Welfare State in Transition: China's Public Pension Reform"

-**JIN Ting 靳婷**, (China People's Prosecutors College, Beijing): "The New Trends of Philanthropy Law"

Buffet – Venue: Sciences Po, 13 Rue de l'Université

Day II - September 29, 2011 (continued)

Venue: Sciences Po CERI, 56 rue Jacob, 75006- Subway St Germain des Près

Afternoon Session: 2.00 p.m. – 6.00 p.m.

◆ Workshop 5- The Chinese Judiciary in Practice

Venue: Sciences Po, CERI, Conference Room

Chair: Prof. **Jean-Bernard Auby** (Sciences Po Paris, Chair - MADP)

Discussion: Prof. **Jean-Bernard Auby**, **Antoine Garapon** (IHEJ) and **Hou Shumei 侯舒梅** (Griffith University, Asia Institute, Australia)

-**Selina Schmid** (Max Planck Institute for Comparative and International Law, Hamburg University): "Mediation in Practice, Analysis of a Case Book"

-**HE Zhihui 何之慧**, (Hubei University School of Law): "The Evolution of the Practice of Civil Mediation in China : Cause and Effect"

-**Stéphanie Balme** (Sciences Po Paris and Tsinghua University School of Law): « Research Report : Ordinary Justice in Ordinary Courts in China »

-**CHEN Yongxi 陈永熙**, (The University of Hong Kong, Faculty of Law): "The Right to Know. A Survey on Judicial Protection of the Right of Access to Government Information in China »

- YANG Qin** 杨琴 (China-EU School of Law, Beijing and Hamburg University School of Law) :
“Judges’ Dilemma in China : Perspectives from Local People’s Courts”
- Hatla Thelle** (Danish Institute for Human Rights, Copenhagen, Head of China Unit, ECLS Co-President): “Usually We Lose.., Public Interest Litigation in China”
- John Wagner Givens** (Clarendon Scholar, Saint Antony's College): “The Jurisdiction Game: How and When Chinese Lawyers Cross Boundaries to Sue the State”

Day II - September 29, 2011 (continued)

Evening Session: 6.00 p.m.-9.00 p.m. Conference Room

-6.00 p.m. - 7.00 p.m. ECLS 2011 Board Meeting

**☞7.00 p.m. - 9.00 p.m. Showing of “Judge (透析)” a Chinese film (original version with English subtitles), 2010; directed by Liu Jie (刘杰).
Our thanks to director Liu Jie for kindly allowing us to show the film.**