10th Annual Conference
European China Law Studies Association

Cologne, 25–27 September 2015

New Perspectives on the Development of Law in China

Conference Programme
Introductory Remarks

The 10th Annual Conference of the European China Law Studies Association (欧洲中国法研究协会 www.ecls.eu) is organised by the Chair of Chinese Legal Culture at the Institute of East Asian Studies, University of Cologne.

The annual conference is a leading international academic forum for the exchange of information and ideas on Chinese law, as well as a platform for the initiation of research collaboration.

This year’s conference brings together scholars, practitioners and policy makers to discuss new perspectives on the development of law in China.
Friday, 25 September 2015

15.00–16.30 h  **ECLS General Assembly Meeting**
Institute of East Asian Studies, Room 3.07
Dürener Straße 56–60

*The meeting is for ECLS members only*

*Membership application forms will be available for those who would like to join the ECLS*

18.00–22.00 h  **Reception**
at Rautenstrauch-Joest-Museum
Rautenstrauch-Joest-Museum
Cäcilienstraße 29–33
Saturday, 26 September 2015

08.30–09.00 h  **Registration**
University of Cologne Main Building, Lecture Hall II
Albertus-Magnus-Platz

09.00–09.30 h  **Welcome Remarks**
University of Cologne Main Building, Lecture Hall II
Albertus-Magnus-Platz

*Moderator*  Dr Vivienne X. Guo
*University of Cologne*

**Prof Stephan Schröder**
*Associate Dean of the Arts and Humanities Faculty, University of Cologne*

**Dr Knut Benjamin Pissler**
*President, European China Law Studies Association (ECLS)*

**Prof Uwe Blaurock**
*President, German-Chinese Jurists’ Association (DCJV)*

**Prof Björn Ahl**
*Convenor of the 10th Annual ECLS Conference*
Saturday, 26 September 2015

09.30–10.30 h  **Keynote Speeches**  
University of Cologne Main Building, Lecture Hall II  
Albertus-Magnus-Platz

*Moderator*  
Dr Vivienne X. Guo  
*University of Cologne*

**Double Whammy: Lay Assessors as Flunkeys in Chinese Courts**  
Prof HE Xin  
*City University of Hong Kong*

**Law in China – Snapshot 2015**  
Dr Sabine STRICKER-KELLERER  
*Senior China Counsel, Freshfields Bruckhaus Deringer*

10.30–10:45 h  **Coffee Break**
Saturday, 26 September 2015

10.45–12.15 h Parallel Sessions
University of Cologne Seminar Building
Universitätsstraße 37

Session 1 New Developments in Chinese Corporate Law and Securities Law

Panel Chair Prof Katrin BLASEK
Wildau University of Applied Sciences

Informality Matters: Enforcement of Securities Laws in China
Xi Chao
Chinese University of Hong Kong

From the Reform of Capital Subscription to the Codification of Chinese Corporate Law
DONG Yiliang
Kion Group AG

New Developments in the Chinese Securitisation Market
TAN Fugui
Hogan Lovells International LLP
Saturday, 26 September 2015

10.45–12.15 h Parallel Sessions
University of Cologne Seminar Building
Universitätsstraße 37

Session 2 Zhengfa: In Pursuit of the Component Elements for a Theory of Chinese Law
Panel Chair Prof HE Xin
City University of Hong Kong

The Ideological Grammar of Chinese Law
Rogier CREEMERS
University of Oxford

The Narrative Building Blocks for the 4th Plenum: Developing Party Vocabulary on Rule of Law
Ewan SMITH
University of Oxford, Renmin University

Political Discourse in the People’s War on Terror
Susan TREVASKES
Griffith University

12.15–13.30 h Lunch Break
Saturday, 26 September 2015

13.30–15.00 h Parallel Sessions
University of Cologne Seminar Building
Universitätsstraße 37

Session 3 Chinese Courts and Recent Judicial Reforms
Panel Chair Prof Stéphanie BALME
Sciences Po

Assessing China’s Court Reforms after One Year
Susan FINDER
Hong Kong University

Judicial Autonomy and the Communist Party of China: The Roles of Political Legal Committee in the Decision-making of the Courts
YUE Liu
University of British Columbia

Study on the Legislationalization of Judicial Interpretations (“Sifa Jieshi”) 
YANG Guodong
Hamburg University
Saturday, 26 September 2015

The Status of Guiding Cases Under the Judicial Reform
Li Weiwei
Shenzhen University

13.30–15.00 h Parallel Sessions
University of Cologne Seminar Building
Universitätsstraße 37

Session 4 Current Developments in Chinese Labour Law
Panel Chair Dr Andreas LAUFFS

Chinese Workers with Benefits
Ronald BROWN
University of Hawaii at Manoa

Labour in Defiance: The Emergence of Autonomous Collective Bargaining in China
ZHANG Yihong
University of Helsinki

Transformation and Functional Evolution of the Sectoral Collective Bargaining in the PRC
Valentina BELLOMO
Ca’ Foscari University of Venice
Saturday, 26 September 2015

13.30–15.00 h Parallel Sessions
University of Cologne Seminar Building
Universitätsstraße 37

Session 5 The Semiotics of Chinese Communist Party “Law” and State Law — Part I

Panel Chair Dr Elisa NESOSSI
Australian National University

On the Historical Origins and Current Application of the Concept of the People’s Democratic Dictatorship and the Mass Line
GAO Shan
Pennsylvania State University

The Ideological Structures of Chinese Constitutionalism: Reading the General Program of the Chinese Communist Party Constitution
Larry Catá BACKER
Pennsylvania State University

“Seeking Truth from Facts” in Party Discipline Legislation
Flora SAPIO
Australian National University

15.00–15.30 h Coffee Break
Saturday, 26 September 2015

15.30–17.30 h **Parallel Sessions**
University of Cologne Seminar Building
Universitätsstraße 37

**Session 6**

**Central and Local Law-making in China**

**Panel Chair**
Prof Caroline von Gall
*University of Cologne*

*How Do Local People’s Congresses Lead the Lawmaking in China: The Case of Legislative Evaluation*

Wen Guanbin
*Tilburg University*

*The Role of the State Council in the Lawmaking Process: The Case of the Anti-Monopoly Law*

Wendy Ng
*University of Adelaide*

*Whose Voice, Whose Interests?*

Natalie Mrockova
*University of Oxford*
Saturday, 26 September 2015

Regulation of the Inter-Provincial Establishment of Companies: Applying the Economics of Federalism to China
SHEN Guang
Maastricht University

The Legislative Power of Shenzhen Special Economic Zone
Madeleine MARTINEK
University of Göttingen

15.30–17.30 h Parallel Sessions
University of Cologne Seminar Building
Universitätsstraße 37

Session 7 Chinese Investment Law and New Developments in Bilateral Investment Treaties with China
Panel Chair Prof Li Yuwen
University of Rotterdam

Legal Reforms to Foreign Investment and International Investment Agreements
Vivienne BATH
University of Sydney
China’s New Bilateralism and Legal Competitive Externalities
David Hallinan
University College Dublin

China-EU Investment-Treaty – Preserving the Status Quo or Moving Forward?
Hinrich Julius
Hamburg University

Economic Exigencies and the Potential Proliferation of Investor-State Arbitration: When are Government Measures Tantamount to Expropriation?
Claire Wilson
Hong Kong Shue Yan University

Chinese Academic Discourse on International Dispute Resolution and Sovereignty in Economic and Territorial Disputes – Practice and Prospects of the PRC at the WTO DSM, ICSID, ITLOS and ICJ
Thomas Stephan Eder
University of Vienna
Saturday, 26 September 2015

15.30–17.30 h  Parallel Sessions
University of Cologne Seminar Building
Universitätsstraße 37

Session 8  New Perspectives on the Nature of Chinese Law

Panel Chair  Prof LIN Feng
City University of Hong Kong

The Flexibility of Chinese Law – Trick or Treat?
Lutz-Christian WOLFF
University of Hong Kong

Law vs. Law Enforcement:
The Case of Chengguan in China
Philipp HIRSCHFELD

Understanding the Conflict between China’s Constitutions
Jean Christopher MITTELSTAEDT
Sciences Po
Saturday, 26 September 2015

18.00–20.00 h Guided City Tour
Meeting Point:
University of Cologne Seminar Building
Universitätsstraße 37
Sunday, 27 September 2015

09.00–10.30 h  Parallel Sessions
University of Cologne Seminar Building
Universitätsstraße 37

Session 9  Legal Transfers as a Driving Factor of the Development of the Chinese Civil Code, Investment and Tax Law

Panel Chair  Prof Georg GESK
Osnabrück University

Foreign Trade and Investment Law in China: Legal Transfer and Development in an Evolving Legal System
Zhao Lijun
Middlesex University

A Civil Code for XXI Century China: Comparative Law Perspectives
Marina TIMOTEO
University of Bologna

Legal Transfers and the Development of the Chinese Tax System
Bernard SCHNEIDER
Queen Mary University of London
09.00–10.30 h  
**Parallel Sessions**

University of Cologne Seminar Building

Universitätsstraße 37

**Session 10**

**New Legal Perspectives on the Relation of the State and the Market**

**Panel Chair**

Prof Lutz-Christian WOLFF

*University of Hong Kong*

**Trademark Co-existence without Confusion in China? Recent Trademark Cases from the Zhejiang Courts**

Roger GREATREX

*Lund University*

**State as an Entrepreneur: A Study of the Investment Contractual Terms and Level of Control of China’s Sovereign Wealth Fund in Its Portfolio Firms**

Lǐ Jing

*Tilburg University*

**State Intervention, Planned Innovation: Law-Driven Developments in Chinese Hedge Funds**

Christopher Hsu

*Goethe University Frankfurt*
Sunday, 27 September 2015

09.00–10.30 h **Parallel Sessions**
University of Cologne Seminar Building
Universitätsstraße 37

**Session 11**
**Administrative Litigation and Environmental Protection Law**

**Panel Chair**
Dr Chen Yongxi
*University of Hong Kong*

**The Reform of the Reform – Tendencies in China’s Administrative Law**
Nina Rotermund
*University of Göttingen*

**Towards the Blue Skies: The Revision of China’s Air Quality Prevention Act (AQPA) and Actual Changes that are Brought Upon**
Jaakko Rantas
*University of Lapland*
State’s Obligation to Conduct Transboundary Environmental Impact Assessment in Preventing Nuclear Damage: An Overview of China’s Practice

HA Lisi
Wuhan University

The Making of the Chinese Nationality Law

Jasper HABICHT
University of Cologne

10.30–11.00 h Coffee Break
Sunday, 27 September 2015

11.00–13.00 h  Parallel Sessions
University of Cologne Seminar Building
Universitätsstraße 37

Session 12  Images of Law: Legal Professions and Activism in Chinese Film

Panel Chair  Prof Felix WEMHEUER
University of Cologne

Picturing the Judiciary: (Re-)constructing the Person of the Judge in Chinese Film
Agnes SCHICK-CHEN
University of Vienna

Mundane Police Work in Chinese Documentary Film: The Works of Zhao Liang and Zhou Hao
Marina SVENSSON
Lund University

Eva PILS
King’s College London
Sunday, 27 September 2015

Executing Justice: A Gender Perspective on Inspector Wu Hongyan in “Night Train” by Diao Yinan (2007)
Astrid LIPINSKY
University of Vienna

Comparing Judicial Cultures
Stéphanie BALME
Sciences Po

11.00–13.00 h Parallel Sessions
University of Cologne Seminar Building
Universitätsstraße 37

Session 13 Investigating Legal Change in Divorce Law, Contract Law and Privacy Protection
Panel Chair Prof Marina TIMOTEO
University of Bologna

百年(不)好合! One Hundred Years of Marital (Un)happiness! An Analysis of Divorce Proceedings Involving Domestic Violence in China
Sara D’ATTOMA
Ca’ Foscari University Venice
Sunday, 27 September 2015

Good Faith in Chinese Civil Law
Matti Tjäder
University of Lapland

Personal Information Protection without a Public Right to Privacy: Revisiting the Recent Development of Chinese Law-making regarding Data Privacy and Surveillance
Chen Yongxi
University of Hong Kong

11.00–13.00 h Parallel Sessions
University of Cologne Seminar Building
Universitätsstraße 37

Session 14 Tradition and Reform of Chinese Law
Panel Chair Prof Roger Greatrex
University of Lund

Western Universalism versus Cultural Relativism during the Process of Chinese Legal Transformation: The Example of Family Law as a “Hard Core” of Legal Culture
Luo Gang
University of Paris 1 Pantheon-Sorbonne
Present at the Creation: Tracing the Origin of Terms Contained in the Macau Basic Law

Jason Buhi
University of Hong Kong

Seeing Tradition in Modernity: Yang Honglie’s Historiography of China’s Legal System

Britta Büermann
University of Göttingen

Chinese Culture and Perceptions of Rule of Law: A Comparison between Hong Kong and Taiwan

Lee Karen
University of Hong Kong

13.00–14.00 h Lunch Break
Sunday, 27 September 2015

14.00–15.30 h  **Parallel Sessions**
University of Cologne Seminar Building
Universitätsstraße 37

**Session 15**  **New Developments in Chinese Criminal Law and Criminal Procedure Law**

**Panel Chair**  Prof Thomas Weigend
*University of Cologne*

- **The Challenges of Implementation of Criminal Procedure Law**
  *YUE Liling*
  *China University of Political Science and Law*

- **Legal and Political Rights Advocacy in Wrongful Conviction Cases: A Study of the Leping Case of Injustice**
  *JIANG Jue*
  *Chinese University of Hong Kong*

- **Accumulation of Criminal Actions as Risk Factor for Doing Business in China**
  *Georg Gesk*
  *Osnabrück University*
Sunday, 27 September 2015

14.00–15.30 h Parallel Sessions
University of Cologne Seminar Building
Universitätsstraße 37

Session 16 The Semiotics of Chinese Communist Party “Law” and State Law — Part II
Panel Chair Dr Flora SAPIO
Australian National University

Virtue, Law and the Perfectionist State: An Analysis of “Fazhi” with Xi’s Characteristics
Elisa NESOSSI
Australian National University

The 2008 Anti-Monopoly Law
Beth FARMER
Pennsylvania State University

Reexamining Hong Kong’s Political Tensions under the Theoretical Foundation of Chinese Socialist System
WANG Keren
Pennsylvania State University
Sunday, 27 September 2015

14.00–15.30 h Parallel Sessions
University of Cologne Seminar Building
Universitätsstraße 37

Session 17 New Perspectives on the Interaction between Chinese Law and International Law

Panel Chair Prof Peter-Tobias STOLL
University of Göttingen

International and Domestic Law in China: A Sociolegal Perspective
Wim MULLER
University of Manchester

Interaction between International Standards and Domestic Constitutional Norms – A Case Study of the Chief Executive Election in Hong Kong
LIN Feng
City University of Hong Kong
Sunday, 27 September 2015

The Impact of International Investment Law on China’s New Foreign Investment Law Draft: A Focus on National Treatment Standard

Li Yuwen
University of Rotterdam

15.30–16.00 h Coffee Break
Sunday, 27 September 2015

16.00–17.30 h  **Parallel Sessions**  
University of Cologne Seminar Building  
Universitätsstraße 37

**Session 18**  
**Current Issues in Chinese Dispute Resolution**

**Panel Chair**  
Dr Knut Benjamin PISSLER  
*Max Planck Institute for Comparative and International Private Law*

- The Analysis of the Factors Driving Public Interest Litigation in China  
  JIANG Junxin  
  *University of Turku*

- Competing over the Law: the Legal Consciousness of Petitioners in Chinese Courts  
  FENG Yuqing  
  *Southeast University*

- Judicial “Mediation” in China – Recent Developments and Future Trends  
  NILS PELZER  
  *Max Planck Institute Luxembourg for International, European and Regulatory Procedural Law*
Sunday, 27 September 2015

Why the Western ADR Theory Cannot Justify the Chinese Courts’ Role in Court-annexed Mediation – An Empirical Examination
Li Yedan
University of Amsterdam

16.00–17.30 h Parallel Sessions
University of Cologne Seminar Building
Universitätsstraße 37

Session 19 Socio-Economic Transformation and Chinese Law
Panel Chair Prof Ronald BROWN
University of Hawaii at Manoa

Theorising “Elder Law” in China: Towards a Relational Account
Mimi Zou
Chinese University of Hong Kong
The Study of Support System of Policy and Law related to Embedded Social Structure and Social Community in Xinjiang
Zhang Zhaoxia
Northwest University for Nationalities, Sichuan University

“Collect Gold in Times of Trouble, Collect Jade in Good Times”: Private Market, Public Engagement and the Protection of Cultural Property in the People’s Republic of China
Simona Novaretti
University of Turin

17.30–17.45 h Closing Remarks
University of Cologne Main Building, Lecture Hall II Albertus-Magnus-Platz

Prof Björn AHL
Convenor of the 10th Annual ECLS Conference
Contact

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Participants can find all relevant information on the locations of conference venues on the conference website at ecls2015.uni-koeln.de

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