

First session of legal monitoring (10.04.2008)

the study group on Chinese and German law continues in a new form

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The 10th of April, 2008 marked the reopening of the study group on Chinese and German law in its new form. The first meeting of the new semester was started off by Professor Bu, who addressed some introductory words to the participants - mainly the staff of the Chair for East Asian Law, but also one additional interested guest. She began by stressing the continuity in the transformation of the study group, stating that the aim of the project - to further the exchange of study experiences between Chinese and German law students - would remain the same in the future. She, then, highlighted the advantages of the new form, characterized by the monitoring of individual sectors of Chinese law by members of the Chair, in helping students of Chinese law to stay abreast of the turbulent developments currently taking place in the legal system.

The legal monitoring phase of the meeting began with a contribution from the area of Chinese politics, reviewing two magazine articles on the issue of protest in rural China (as well as, one on the democracy debate, in general) and its significance for the legal system. This was followed by an elaborate presentation from the area of labor law, dealing with China's new law on mediation and arbitration in labor disputes (adopted by the Standing Committee of the National People's Congress on Dec. 29th, 2007; effective from May 1st, 2008). The presentation and subsequent discussion accented the importance of this development for employee (and, especially, migrant worker) protection.

Coming from the area of competition law, the next presentation gave a characterization of China's first anti-monopoly law (adopted August 30th, 2007; eff. Aug. 1st, 2008). After explaining its content, the speaker voiced the prediction that, judging by the importance of similar legal instruments for Germany (and Europe, in general), this law might well become one of the cornerstones of Chinese economic law.

A contribution on property law, addressed two legal developments with an impact on this area. The first, dealing with new measures implementing registration requirements for mortgage on moveables and land registration in China, sparked discussion of comparable requirements in Germany, as well as, the consequences of more comprehensive measures in China. The second change mentioned by the speaker concerned the restructuring of the Chinese government through the establishment of five new superministries, which was placed in the context of a general streamlining effort going on in China since 1982.

The following speaker remarked that no ground-breaking changes had occurred recently in the sector of insolvency/bankruptcy law and, instead, gave a vivid account of a court case currently going on in China. The report on an unusual case of "bank robbery", committed by deliberately withdrawing large amounts of money from a defective ATM-machine, sparked a discussion on comparative Chinese and German criminal law, as well as, reflections on the Chinese judiciary, in general.

Finally, from the area of civil law, new measures regulating so-called "round-trip investments" were reported. However, discussion of these was deferred to the next meeting due to the complexity of the topic.

In conclusion, the study group got off to an interesting start in its first meeting in its new format, allowing participants, hopefully including numerous guests, to expect further interesting exchanges in the future.