

2015 中欧学术研讨会——市场经济法治改革专题

China-Europe Academic Conference 2015-Legal Reform of Market Economy

| 主办单位 Co-organizer

中国政法大学中欧法学院

www.cesl.edu.cn/

迄今为止，中国政法大学中欧法学院（以下简称：中欧法学院）是唯一获教育部批准的“中外合作办学”的法学院。在中欧法学院成立之前，时任国务院总理温家宝就对之寄予厚望，期待“中欧法学院能培养出大批学贯中西的法律人才”。

2008年10月23日，中欧法学院成立庆典在中国政法大学昌平校区隆重举行，中共中央政治局常委、时任国务院副总理李克强和欧盟委员会主席巴罗佐莅临庆典并致辞。

中欧法学院致力于培养双硕士研究生（中国法 + 欧洲 - 国际法），为法官、检察官、律师和其他公务员及专业人士提供职业培训，开展并促进法学研究与咨询，以成为中欧双方在法学研究与教育、学界与实务界交流与合作的平台。

China - EU School of Law

www.cesl.edu.cn/

The China-EU School of Law at the China University of Political Science and Law (CESL) is the only law school which was approved by the Ministry of Education under the "Sino-foreign Schools Agreement." Former Premier Wen Jiabao expressed his hope that "CESL will educate a great cohort of talented legal professionals equipped with knowledge spanning both Chinese and Western law." The CESL Opening Ceremony was held on October 23, 2008. The ceremony took place at CUPL's Changping campus in the presence of Premier of the State Council and member of the Standing Committee of the Political Bureau of China's Communist Party Li Keqiang and President of the EU Commission Jose Manuel Barroso.

CESL is a unique project for educating students in a double master programme (Chinese Law + European and International Law); for professional training of lawyers, prosecutors, civil servants, judges and other legal professionals; for conducting and facilitating legal research and consultancy; and to be a platform for China EU research and teaching and legal academic and professional exchanges and collaboration.

中国政法大学市场经济法治改革研究智库



中国政法大学市场经济法治研究智库建立于 2014 年，智库的建设目标是紧紧围绕我国市场经济法治改革的重大问题进行研究，为不同层次的市场经济法律和政策制定与实施提供建议与咨询，为市场在资源配置中发挥决定性作用从法治角度提供学术支撑和理论基础。

围绕着市场经济法治改革的主题，本智库有以下几个重点研究领域：1、市场在资源配置中的作用研究 2、市场准入法律制度改革研究 3、市场退出法律制度改革研究 4、国有资产管理体制改革研究 5、金融市场法律制度改革研究。

围绕着这些课题本智库自 2014 年以来已经多次举办学术会议、承担立法任务、发表具有影响力的学术成果和学术报告。

Research Team of Legal Reform of Market Economy of China University of Political Science and Law (RTLREME) was established in 2014, which aims to conduct research on the major issues of China's legal reform of market economy, to provide advices and consultation to the market economy law in various levels and policy formulation and implementation, to academic support and theoretical basis for the market to play a decisive role in the allocation of resources from the perspective of the rule of law.

Taking the legal reform of market economy as the subject, the key research areas of RTLREME are: 1. The role of the market in the allocation of resources 2. The reform of the market access legal system 3. The reform of the market exit legal system 4. The state-owned asset management system 5. The reform of the financial market legal system.

Since 2014 RTLREME has held a number of academic conferences about the above mentioned subjects, undertakes the legislative task, and publishes influential academic achievements and academic reports.



汉堡大学成立于 1919 年 3 月 28 日，是德国的一所综合性大学。汉堡大学已经培养出了 6 名诺贝尔奖得主和很多著名学者。该所大学是北部德国最大的科研教育基地也是德国综合性最强的大学之一。

汉堡大学每年招收约 7000 名新生，学生总数约为 41000 人，每年的毕业生约为 6000 人其中 900 人为博士生。汉堡大学的 6 大院系和近 700 位教授为学生提供 149 种不同的专业、学科的教育。

汉堡大学是中国政法大学中欧法学院主要的合伙人院校。

The University of Hamburg (German: Universität Hamburg) is a comprehensive university in Hamburg, Germany. It was founded on 28 March 1919, six Nobel Prize Winners and serials of scholars are affiliated to the university. University of Hamburg is the biggest research and education institution in Northern Germany and one of the most extensive universities in Germany.

The annual recruitment of about 7,000 freshmen contributes to the current total of 41,000 students, out of which 6,000 graduate every year, including around 900 with a doctorate. Students can choose from a 149 different majors which are offered by six faculties. With almost 700 professors engaged in teaching and research, the University of Hamburg is the largest in Hamburg.

The University of Hamburg is the most important partner of CESL.

8:00 – 8:30 注册 / REGISTRATION	
开幕式主题发言 (主会场) OPENING CEREMONY AND KEYNOTE SPEECHES 8:30 – 09:45	
8:30- 8:45	<p>主持人 刘 飞: 中国政法大学中欧法学院中方联席院长、教授 Hosted by Liu Fei, Professor and Chinese Co-dean of the China-EU School of Law (CESL) at the China University of Political Science and Law (CUPL)</p> <p>主办方致辞: Welcome Speeches by Co-organisers</p> <p>张福森: 中国政法大学中欧法学院联合管理委员会中方联席主席、司法部前部长 Zhang Fusen, Chinese Co-chair of the Joint Managerial Committee (JMC) of the CESL at CUPL, Former Minister of Justice, P.R. China</p> <p>黄 进: 中国政法大学校长、教授、中国法学会副会长 Huang Jin, Professor and President of CUPL, Vice President of the China Law Society (CLS)</p> <p>李曙光: 中国政法大学研究生院院长、教授、中国政法大学破产法与企业重组研究中心主任、市场经济法治改革智库首席专家 Li Shuguang, Professor and Dean of the Graduate School at CUPL, Director of the Bankruptcy Law and Restructuring Research Center and Chief Scientist of the Research Team of Legal Reform of Market Economy (RTLME) at CUPL</p> <p>Armin Hatje: 中国政法大学中欧法学院欧方联席院长、德国汉堡大学教授 Armin Hatje, European Co-Dean of CESL at CUPL, Professor of Law at the University of Hamburg, Germany</p> <p>Lars Gronvald: 欧盟驻华使团合作处处长 H Lars Gronvald, Head of Cooperation Section of EU Delegation</p>
8:45 – 9:05	<p>主题报告: 当前中国宏观经济走势与改革 石小敏: 中国经济体制改革研究会副会长、经济学家、“中国经济 50 人论坛”专家成员 Topic: The Current Trends of China's Macro-economy and the Reform Shi Xiaomin, Vice-chairman of the China Society of Economic Reform, Economist, Member of Chinese Economy 50 Forum</p>
9:05 – 9:20	<p>主题报告: 市场经济法治改革 李曙光: 中国政法大学研究生院院长、教授、中国政法大学破产法与企业重组研究中心主任、市场经济法治改革智库首席专家 Topic: Legal Reform of the Market Economy Li Shuguang, Professor and Dean of the Graduate School at CUPL, Director of the Bankruptcy Law and Restructuring Research Center and Chief Scientist of the Research Team of Legal Reform of Market Economy (RTLME) at CUPL</p>
9:20 – 9:35	<p>主题报告: 经济新常态与制度环境 Frank Stephen: 曼彻斯特大学荣休教授、苏格兰议会司法委员会前顾问、英国国会上议院和下议院联合委员会前顾问 Topic: The New Normal Economy and the Institutional Environment Frank Stephen, Emeritus Professor at the University of Manchester, Former Advisor to the Justice 1 Committee of the Scottish Parliament, Former Advisor to the Joint Committee of House of Commons and House of Lords.</p>
9:35-9:45	<p>开幕式嘉宾合影 Group Photo of the Opening Ceremony</p>

分议题研讨（分会场）

SUB-SESSIONS

09:45 – 12:00

分议题一：市场的准入——聚焦公司法改革

SUB-SESSION I: MARKET ACCESS - THE REFORM OF COMPANY LAW

主持人

甘培忠：北京大学法学院教授、中国法学会证券法学研究会副会长、中国法学会经济法学研究会常务理事

Chaired by Gan Peizhong, Professor at the Law School of Peking University, Vice Chairman of the Research Society of Securities Law at CLS, Executive Director of the Research Society of Economic Law at CLS

9:45 – 10:00	<p>施天涛：清华大学法学院教授，清华大学法学院金融与法律研中心主任</p> <p>题目：市场准入与公司法改革</p> <p>Shi Tiantao, Professor at the Law School of Tsinghua University, Director of the Center for Financial and Legal Research at the Law School of Tsinghua University</p> <p>Topic: Market Access and Reform of Company Law in China</p>
10:00 – 10:15	<p>Raffaele Torino：意大利罗马第三大学法学教授</p> <p>题目：欧洲市场准入与公司法的发展趋势</p> <p>Raffaele Torino, Associate Professor of Comparative Law at the Roma Tre University, Italy</p> <p>Topic: Market Access and Company Law Trends in Europe</p>
10:15 – 10:30	<p>赵旭东：中国政法大学民商经济法学院教授、中国商法学研究会常务副会长</p> <p>题目：电子商务市场准入与退出的制度设计</p> <p>Zhao Xudong, Professor at the School of Civil, Commercial and Economic Law at CUPL, Executive Vice-chairman of the China Commercial Law Society</p> <p>Topic: The System Design for Market-Access and Market-Exit of E-commerce</p>
10:30 – 10:45	<p>曾宏伟：最高人民法院法官</p> <p>Zeng Hongwei, Judge at the Supreme People's Court of China</p>
10:45 – 11:00	<p>Matthias Schroeder：百达律师事务所合伙人</p> <p>题目：欧盟内的公司在中国——从外商投资企业的角度看中国公司法改革</p> <p>Matthias Schroeder, Partner at Schroeder, Xiang & Partner, Beijing</p> <p>Topic: European Companies in China - The Reform of Chinese Company Law from a Foreign Invested Company Perspective</p>
11:00 – 11:15	<p>刘俊海：中国人民大学法学院教授、中国人民大学商法研究所所长</p> <p>题目：公司注册登记制度改革的回顾与前瞻</p> <p>Liu Junhai, Professor and Director of the Research Center of Commercial Law at the Law School of Renmin University of China</p> <p>Topic: Company Registration System Reform — Retrospect and Prospect</p>
11:15 – 12:00	<p>问答与讨论</p> <p>Questions and Answers, Discussion</p>

分议题二：市场的退出——聚焦破产法改革 SUB-SESSION II: MARKET EXIT - THE REFORM OF INSOLVENCY LAW 主持人： 中国政法大学李曙光教授 Chaired by Professor Li Shuguang	
9:45 — 10:00	顾功耘： 华东政法大学副校长、教授、中国商法研究会副会长 题目： 破产界限亟待重新表述 Gu Gongyun, Professor and Vice-president of the East China University of Political Science and Law (ECUPL), Vice-chairman of the China Commercial Law Society Topic: The Reasons of Insolvency need a new Formulation
10:00 — 10:15	冯果： 武汉大学法学院副院长、教授、最高人民法院审判监督庭副庭长 题目： 破产程序中出资人义务加速到期问题研究 Feng Guo, Professor and Deputy Director at the Law School of Wuhan University, Deputy Chief Judge of the Trial supervision Section of the the Supreme People's Court Topic: The Acceleration of the Due Date of the Obligations of the Capital Contributors
10:15 — 10:30	王卫国： 中国政法大学教授、中国法学会民法学研究会副会长、中国政法大学破产和企业重组研究中心执行理事长 Wang Weiguo, Professor at CUPL, Vice-chairman of the China Civil Law Society, Executive Director of the Bankruptcy Law and Restructuring Research Center at CUPL
10:30 — 10:45	Ignacio Tirado： 马德里自治大学教授、世界银行法律顾问、世界货币组织法律顾问 题目： 企业破产范式的转变——通往法庭外解决和有效的法庭内重整的道路 Ignacio Tirado, Professor at the Autonomous University of Madrid, Legal Counselor of the World Bank and the International Monetary Fund Topic: The Change of Paradigm in Corporate Insolvencies: the Path towards Out of Court Solutions and Efficient In-court Business Rescue
10:45 — 11:00	Tibor Tajti： 匈牙利中欧大学教授 题目： 破产的耻辱与重生的政策 Tibor Tajti, Professor at the Central European University, Budapest Topic: The Bankruptcy Stigma and the Second Chance Policy
11:00 — 11:15	刘经涛： 中伦律师事务所合伙人 题目： 公司清算中股东及个人责任 Liu Jingtao, Partner of Zhonglun Law Firm Topic: Liabilities of Shareholders and Individual Persons in Liquidation
11:15 — 12:00	问答讨论和评议 Questions and Answers, Discussion and Reviewing
12:00 — 14:00 午餐 LUNCH	

分议题研讨（分会场）

SUB-SESSIONS

14:00 – 16:30

分议题三：市场交易——聚焦证券法改革

SUB-SESSION III: MARKET TRANSACTION- THE REFORM OF SECURITIES LAW

主持人

尤翰林：德国汉堡大学教授，中欧法学院联合管理委员会欧方联席主席

Chaired by Hinrich Julius: Professor at the University of Hamburg, European Co-chair of the CESL JMC

14:00 – 14:15	周伦军： 最高人民法院法官 Zhou Lunjun, Judge at the Supreme People's Court of China
14:15 – 14:30	叶林： 中国人民大学法学院教授、中国商法学研究会副会长 Ye Lin, Professor at the School of Law at Renmin University of China, Vice-chairman of the China Commercial Law Society
14:30 – 14:45	刘燕： 北京大学法学院教授、北京大学法学院公司财务与法律研究中心主任 题目：股灾中的配资与解杠杆 Liu Yan, Professor at Law School of Peking University, Director of the Corporate Finance & Law Center of PKU Law School Topic: The Issue of Leverage in the Stock Market Crash
14:45 – 15:00	Tibor Tajti： 匈牙利中欧大学教授 题目：金融法规的立法者和金融监管机关应关注传销与庞氏骗局么？ Tibor Tajti, Professor at the Central European University, Budapest Topic: Are pyramid and Ponzi schemes of relevance to drafters of financial regulations and financial regulatory agencies?
15:00 – 15:15	王涌： 中国政法大学民商经济法学院教授、中国政法大学商法研究所所长 Wang Yong, Professor at the School of Civil, Commercial and Economic Law at CUPL, Director of the Commercial Law Research Institute at CUPL
15:15 – 15:30	洪艳蓉： 北京大学法学院副教授 题目：《证券法》债券规则的批判与重构 Hong Yanrong, Associate Professor at the School of Law of Peking University Topic: Criticize and Reconstructing of the Bond Regulations in the Security Law
15:30 – 15:45	Sebastian Mock： 汉堡大学副教授、研究员 主题：新欧盟市场滥用行为规制条例（MAR）在欧盟资本市场法中的重要意义及实践问题 Sebastian Mock, Associate Professor at the University of Hamburg Topic: The Significance and Practical Impact of the New European Market Abuse Regulation (MAR) on European Capital Market Law
15:45 – 16:30	问答与讨论 Questions and Answers, Discussion

分议题四：市场监管——聚焦反垄断动态

SUB-SESSION IV: MARKET SUPERVISION- ANTI-MONOPOLY LAW

主讲人**盛杰民：**北京大学法学院教授

Chaired by Sheng Jiemin, Professor at the Law School of Peking University

14:00 — 14:15	尚明： 商务部反垄断局局长 Shang Ming, Chief Director at the Anti-Monopoly Bureau of the Ministry of Commerce
14:15 — 14:30	时建中： 中国政法大学副校长、教授、中国经济法学研究会副会长 Prof. Shi Jianzhong, Vice-president of CUPL, Vice-chairman of the Chinese Society of International Economic Law
14:30 — 14:45	陈达： 国家发改委反垄断一处处长 Chen Da, Head of the First Department of Anti-Monopoly Bureau of the National Development and Reform Commission
14:45 — 15:00	Rainer Kaltenbrunner： 奥地利联邦竞争局处长 题目： 欧盟内竞争法当前的发展 Rainer Kaltenbrunner, Ministerial Counsellor, Austrian Federal Competition Authority, Vienna Topic: Current Developments in European Competition Law
15:00 — 15:15	刘继峰： 中国政法大学民商经济法学院教授、中国政法大学经济法研究所所长 Liu Jifeng, Professor at the School of Civil, Commercial and Economic Law at CUPL, Director of the Research Institute of Economic Law at CUPL
15:15 — 15:30	Rainer Kulms： 德国马克思普朗克国际私法研究所副教授 题目： 新数字单一市场战略下的欧盟委员会与谷歌 Rainer Kulms, Senior Research Fellow at the Max-Planck Institute for Comparative and International Private Law, Hamburg Topic: The EU Commission and Google under the New Digital Single Market Strategy
15:30 — 16:30	问答与讨论 Questions and Answers, Discussion
17: 00 晚餐 DINNER	

2015年11月6日(星期五)

FRIDAY 6 NOVEMBER 2015

分议题研讨(分会场) SUB-SESSIONS 09:00 – 11:30	
分议题五: 国资法律专题 SUB-SESSION V: LAW OF STATE-OWNED ASSETS 主持人 李冰: 国务院国资委企业改组局局长 Chaired by Li Bing, Chief Director of State-owned Assets Supervision and Administration Commission of the State Council	
9:00 – 9:15	徐孟洲: 中国人民大学法学院教授、金融法研究所所长、财税法研究所所长 Xu Mengzhou, Professor at the Law School of the Renmin University of China, Director of the Research Institute for Finance Law and the Research Institute for Fiscal Law at Renmin University of China
9:15 – 9:30	耿超: 北京市国资委政策法规处副处长 Geng Chao, Deputy Director of the Law and Regulations Department of the State-owned Assets Supervision and Administration Commission of Beijing
9:30 – 9:45	Elisa Baroncini: 博洛尼亚大学教授 题目: 在WTO案件中“公共机构”的概念——法律以及中国国有企业 Elisa Baroncini, Associate Professor of International Law at the University of Bologna Topic: The Concept of "Public Body" in the WTO Case - Law and China State Owned Enterprises
9:45 – 10:00	郑成新: 中国信达证券股份有限公司副董事长 Zheng Chengxin, Vice President of the CINDA Securities
10:00 – 10:15	曹春焜: 毕马威华振会计师事务所合伙人, 主要职责与专长: 企业重组和收购咨询 题目: 国有资产流失问题 Cao Chunye, Partner of KPMG Certified Public Accountants, Expert at Enterprises Reorganization and Purchase Topic: Loss of State-owned Assets
10:15 – 10:30	Claudia Wutscher: 维也纳大学助理教授、研究员 主题: 欧盟法上国有资产问题 Claudia Wutscher, Assistant Professor at the Institute for Austrian and European Public Law at the Vienna University of Economics and Business Topic: State Owned Enterprises in EU Law
10:30 – 11:30	问答与讨论 Questions and Answers, Discussion

分议题六：市场经济司法改革

Sub-session VI: Judicial Reform of Market Economy

主持人**樊崇义：**中国政法大学诉讼法学研究院名誉院长、教授、中国行为法学研究会副会长、中国检察学会副会长

Chaired by Fan Chongyi, Professor and Honorary President of the Center for Procedural Law at CUPL, Vice-chairman of the China Behavior Law Association, Vice-chairman of the China Procuratorial Theory Research Association

9:00 — 9:15	范明志： 最高人民法院中国应用法学研究所副所长 题目：中国市场经济与司法改革的协同推进 Fan Mingzhi, Deputy Director of the Applied Law Institute of China at the Supreme People's Court Topic: The Cooperation between the Promotion of Market Economy and the Judicial reform in China
9:15 — 9:30	左卫民： 四川大学法学院教授、四川大学研究生院常务副院长、中国刑事诉讼法学研究会副会长 Zuo Weimin, Professor at the School of Law of Sichuan University, Executive Dean of the Graduate School of Sichuan University, Vice-chairman of the China Criminal Procedure Law Research Association
9:30 — 9:45	Franciszek Longchamps de Berier： 波兰雅盖隆大学教授、罗马法学院院长 题目：私法的衍变——波兰法在过去 100 年间的管辖权问题 Franciszek Longchamps de Berier, Professor and Dean of the Department of the Roman Law Faculty of the Jagiellonian University, Krakow Topic: Private Law in Transition: Jurisdictions of Polish Law within Last 100 Years
9:45 — 10:00	傅郁林： 北京大学法学院教授、中国法学会诉讼法学研究会常务理事 Fu Yulin, Professor at the Law School of Peking University, Executive Director of the Procedural Law Society of CLS
10:00 — 10:15	王亚新： 清华大学法学院教授、中国民事诉讼法学研究会常务理事 Wang Yaxin, Professor at the Law School of Tsinghua University, Executive Director of the China Civil Procedure Law Research Association
10:15 — 11:30	C. H. van Rhee： 荷兰马斯特里赫特大学教授 题目：美国法学会与国际统一私法学会发起的跨国民事诉讼原则与现代市场经济的要求 C.H. van Rhee, Professor of European Legal History and Comparative Civil Procedure at the Maastricht University, Member of the CESL Flying Faculty Topic: The ALI/UNIDROIT Principles of Transnational Civil Procedure and the Requirements of Modern Market Economies
10:30 — 11:30	问答与讨论 Questions and Answers, Discussion
12: 00 午餐 LUNCH	

媒体 / Media

中国网	China.com.cn / China.org.cn
经济日报	Economic Daily
新华网	Xinhuanet
检察日报	Procuratorial Daily
法制日报	Legal Daily

主持人及发言人名单 / Chairs and Speakers

按音序排列 / In Alphabetical Order

BARONCINI, Elisa	博洛尼亚大学教授 / Associate Professor of University of Bologna
C.H. van Rhee	马斯特里赫特大学教授 / Professor of European Legal History and Comparative Civil Procedure at Maastricht University
Franciszek Longchamps de Berier	波兰雅盖隆大学教授、罗马法学院院长 / Franciszek Longchamps de Berier, Professor and Dean of the Department of the Roman Law Faculty of the Jagiellonian University, Krakow
GRONVALD Lars	欧盟驻华使团合作处处长 / Head of Cooperation Section of EU Delegation
HATJE, Armin	中国政法大学中欧法学院欧方联席院长、德国汉堡大学教授 / European Co-Dean of CESL at CUPL, Professor of Law at the University of Hamburg, Germany
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KALTENBRUNNER, Rainer	奥地利竞争局处长 / Ministerial Counsellor, Austrian Federal Competition Authority, Vienna
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