

CESL GRANT 2011

“CHINA’S INFLUENCE ON NON-TRADE CONCERNS IN INTERNATIONAL ECONOMIC LAW”

THIRD CONFERENCE

Hosted at

Maastricht University – Faculty of Law

January 19-20, 2012

in partnership with



with the support of:



Introduction:

In the framework of the CESL Grant 2011 on "China and Non-Trade Concerns", three conferences are organized. The first was held at University of Turin, Law Department & Center of Advanced Studies on Contemporary China (CASCC), Turin on November 23-24, 2011; the second at Tsinghua University, School of Law on January 14-15, 2012. This is the third of this series of conferences, and is held at Maastricht University, Faculty of Law on January 19-20, 2012.

A collected book edited by the Grant holder entitled "China's Influence on Non Trade Concerns in International Economic Law" (tentative title) will be published with Ashgate Publishing (UK), ISBN 978-1-4094-4848-8 (under contract for publication - forthcoming 2012).

EXECUTIVE SUMMARY:

The delocalization of production appears to be the sole response to the increasing competitive pressure exerted by low-cost producers on European firms. While this delocalization has resulted in loss of employment for European citizens within the EU, it may have a corrosive impact on the core societal values both in EU and in the host country. Both public opinion and policy makers fear that international trade, in particular a further liberalization thereof, may undermine or jeopardize policies and measures on a wide variety of issues, for example, the protection the environment and the sustainable development, good governance, cultural rights, labour rights, public health, social welfare, national security, food safety, access to knowledge, consumer interests and animal welfare. There is a general consensus that these non-trade concerns, which cover very different societal aspirations and fears, must be addressed in EU external policy and in particular measures relating to international trade and foreign direct investment. There is also the expectation that the EU should act in all the international arenas to defend and keep these values at the highest level of protection. However, many of the trade measures introduced by developed countries to address non-trade concerns have been met by developing countries with cautious distrust if not with resistance or dissent. Developing countries, including China, often doubt the authenticity of such concerns that can be inspired by protectionist aims, rather than genuine non-trade concerns. Moreover, developing countries see these measures as an attempt by developed countries to impose their social, ethical or cultural values and preferences on exporting developing countries.

Given the different and sometimes opposing interests of developing and industrialized countries, one may question whether international economic law may become a fairer system. If all the countries negotiated in international fora having always in mind the general common interests of the humanity as a whole, this would be the case. Unfortunately this is not the case: this is the reason why this project is timely and necessary. Amongst the new emerging economies, China is already playing a key role in drawing new rules of the game and it is important to evaluate, without prejudice and by taking into consideration its special context, China's behavior internally and externally to understand which direction the world is being driven in by China.

**THIRD CONFERENCE
MAASTRICHT UNIVERSITY, FACULTY OF LAW
MAASTRICHT UNIVERSITY, INSTITUTE FOR GLOBALISATION AND INTERNATIONAL
REGULATION (IGIR)**

DAY I - JANUARY 19, 2011

Afternoon Session: 14:30 - 19:30

13:15 - 13:45 Registration

13:45 - 14:10 Welcoming Speeches

14:10 - Start of the Session

Welcoming Speeches:

Anselm W. J. KAMPERMAN SANDERS, Director of the Institute for Globalisation and International Regulation (IGIR), Maastricht University Faculty of Law; Professor of Intellectual Property Law, Chair of European and International Intellectual Property Law

Paolo FARAH, University of Turin & Visiting Scholar Harvard Law School (East Asian Legal Studies); Scientific Director and CESL Grant Holder, Project on "China and Non-Trade Concerns", CESL, Beijing

SESSION ONE

EU External Policies towards China in Pursuit of Non-Trade Concerns

PANEL CHAIR: Thomas CHRISTIANSEN, Maastricht University, Political Science Faculty of Arts and Social Sciences

Paolo FARAH, University of Turin & Visiting Scholar Harvard Law School (East Asian Legal Studies)

The EU External Action toward China on Non-Trade Concerns in International Economic Law

Sergi CORBALÁN, Executive Director of the Fair Trade Advocacy Office (FTAO), Brussels

Fair Trade and the new EU Policies on Corporate Social Responsibility and Development

Benjamin BARTON, King's College of London

The EU, China and International Development

Antoine SAUTENET, Center for European Research of University of Rennes (CEDRE), French Institute for Foreign Relations (IFRI) in Paris

Trade and Non-Trade Concerns in the EU-China PCA Negotiations: Prospects and Challenges for EU-China Strategic Partnership

16:10 - 16:40 Coffee Break

16:40 - Start of the Session

SESSION TWO

China and Non-Trade Concerns in the Area of Intellectual Property Protection

PANEL CHAIR: Anselm W. J. KAMPERMAN SANDERS, Professor of Intellectual Property Law, Chair of European and International Intellectual Property Law, Maastricht University Faculty of Law

Anselm W. J. KAMPERMAN SANDERS, Maastricht University Faculty of Law

China-EU Relations in the Field of Intellectual Property Law

Arianna BROGGIATO, BIOGOV Unit, Université Catholique de Louvain, Centre for the Philosophy of Law (CPDR), **Tom DEDEURWAERDERE**, Director of the BIOGOV Unit, Université Catholique de Louvain, Centre for the Philosophy of Law (CPDR)

Genetic Resources and Traditional Knowledge at the Crossroads of Intellectual Property and the Environmental Regime

Rogiers CREEMERS, Centre of Socio-Legal Studies at Oxford University

Cultural Products and the WTO: China's Domestic Censorship and Media Control Policies

Danny FRIEDMANN, Chinese University of Hong Kong, Faculty of Law

Intellectual Property and Censoring in China: Two Mirror Images of Innovation

Round Table: Benjamin BARTON, Arianna BROGGIATO, Thomas CHRISTIANSEN, Sergi CORBALÁN, Rogiers CREEMERS, Paolo FARAH, Danny FRIEDMANN, Anselm W. J. KAMPERMAN SANDERS, Antoine SAUTENET.

19:30 - End of the Session

DAY 2 - JANUARY 20, 2011

Morning Session: 8:30 – 13:00

8:30 - 9:00 Registration

9:00 Start of the Session

SESSION THREE

Public Health, Product and Food Safety and Consumer Protection

PANEL CHAIR: Paolo FARAH, University of Turin & Visiting Scholar Harvard Law School (East Asian Legal Studies)

Lukasz GRUSZCZYNSKI, Polish Academy of Science, Law Institute

Product Safety in the framework of the WTO Agreement on Technical Barriers to Trade

Denise PREVOST, Maastricht University, Faculty of Law

Health Protection Measures as Barriers to EU Exports to China in the framework of the WTO Agreement on Sanitary and Phytosanitary Measures

Enrico BONADIO, City University of London, City Law School

Plain Packaging of Cigarettes and Public Health under the TRIPS Agreement

Paolo VERGANO, FratiniVergano – European Lawyers & **Ignacio CARRENO**, FratiniVergano – European Lawyers

A Practitioner's Perspective on Specific Non-Trade Concerns in the Areas of Food Safety and Consumer Protection: A Comparative Analysis of WTO Notifications

Andrea FILIPPETTI, Italian National Research Council and Harvard University, Kennedy School of Government & **Francesca SPIGARELLI**, University of Macerata, Faculty of Law

Trend and Drivers of International Patenting: The Case of China in the Pharmaceutical Industry?

Short papers:

Lorenzo DI MASI

The Protection of Public Health and Food Safety in East Asia RTAs: ASEAN and China

Round Table: Enrico BONADIO, Lorenzo DI MASI, Paolo FARAH, Andrea FILIPPETTI, Lukasz GRUSZCZYNSKI, Denise PREVOST, Paolo VERGANO

13:00 – 14:30 Lunch

14:30 – 16:30 - Follow-up to the conference: Internal meeting among the speakers and contributors to the forthcoming book.