

# 2016 中欧学术研讨会

## 电子商务法专题

China-Europe Academic Conference 2016  
E-Commerce Law Forum

中国政法大学中欧法学院主办  
Organised by the China-EU School of Law

2016 年 10 月 20 日  
北京 · 北邮科技大厦  
20 October, 2016  
BUPT Hotel, Beijing



中国政法大学中欧法学院得到中国政府和欧盟的支持  
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## 主办单位 / Organiser



中国政法大学中欧法学院

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中国政法大学中欧法学院（以下简称：中欧法学院）是第一所获得中华人民共和国教育部批准的“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，时任中共中央政治局常委、国务院副总理李克强和时任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

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Eight years ago, the People's Republic of China and the European Union initiated the China-EU School of Law at the China University of Political Science and Law (CESL) as a platform for China-EU legal dialogue.

The China-EU School of Law at the China University of Political Science and Law was the first 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."

This unique law school educates the next generation of China-EU legal experts, facilitates cross-border research and trains practitioners. All of its activities contribute to the identification of common values and interests as well as trust building in a world where globalisation raises questions reaching far beyond the jurisprudence of a single nation and learning from each other is indispensable to solving legal problems.

The school is coordinated by the China University of Political Science and Law and the University of Hamburg. Sixteen partner universities and 28 associates, including research institutions and international law firms, back the institution. To date, more than 400 students have graduated, more than 130 researchers were supported, and more than 7,000 prosecutors, lawyers, judges and civil servants were trained.

## 会议日程 / Agenda

2016 中欧学术研讨会 · 电子商务法专题	
时 间	
8:00 – 8:30	注册 / REGISTRATION
<b>开幕式主题发言</b> OPENING CEREMONY AND KEY NOTE SPEECHES  <b>主持人 / Chair:</b> <b>刘飞:</b> 中国政法大学教授、中欧法学院中方联席院长 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)	
8:30–9:00	<b>主办方致词 / Welcome Speeches by the Organiser:</b> <b>张福森:</b> 中国政法大学中欧法学院联合管理委员会中方联席主任、司法部前部长 Zhang Fusen, Chinese Co-Chair of the Joint Managerial Committee (JMC) of CESL at CUPL, Former Minister of Justice, P.R. China  <b>尤翰林:</b> 中国政法大学中欧法学院联合管理委员会欧方联席主任、德国汉堡大学教授 Hinrich Julius, European Co-Chair of the JMC of CESL, Professor of Law at the University of Hamburg, Germany  <b>应松年:</b> 中国政法大学终身教授、中国法学会行政法学研究会名誉会长 Ying Songnian, Tenured Professor at CUPL, Honored Chairman of the Administrative Law Society of China Law Society  <b>Emilia Gargallo Gonzalez:</b> 欧盟驻华使团贸易官 Emilia Gargallo Gonzalez, Trade Officer, Delegation of the European Union to China
9:00–9:05	嘉宾合影 / Group Photo
9:05–9:15	茶歇 / Tea Break

### 分议题一：电子商务法的比较与展望

#### SUB-SESSION I: COMPARISON AND RECENT DEVELOPMENTS OF E-COMMERCE LAW

#### 主持人 / Chair:

**赵旭东:** 中国政法大学教授、中国商法学研究会会长

Zhao Xudong, Professor at CUPL, Chairman of the China Commercial Law Society

9:15-9:30	<p><b>阿拉木斯:</b> 信息社会 50 人论坛成员、中国电子商务协会政策法律委员会副主任</p> <p><b>题目:</b> 中国电子商务立法的几个焦点问题</p> <p>Ala Musi, Member of the 50 Forum of Information Society, Vice Director of the Policy and Law Committee of the China E-Commerce Association</p> <p><b>Topic:</b> The Focus Issues of Legislation of the Chinese E-Commerce Law</p>
9:30 -9:45	<p><b>龙云本:</b> 联合国国际贸易法委员会亚太中心法律专家</p> <p><b>题目:</b> 联合国贸法会——促进全球和区域电子商务</p> <p>Lung Wan Pun, Legal Expert of the UNCITRAL Regional Centre for Asia and the Pacific</p> <p><b>Topic:</b> UNCITRAL: Enabling Global and Regional E-Commerce</p>
9:45- 10:00	<p><b>李海英:</b> 工信部电信研究院政策与经济研究所法律部主任</p> <p><b>题目:</b> 电子商务相关法律问题</p> <p>Li Haiying, Director of the Law Department of the Policy and Economic Research Institute of the Ministry of Industry and Information Technology</p> <p><b>Topic:</b> Relevant Legal Issues on E-Commerce</p>
10:00-10:15	<p><b>李爱君:</b> 中国政法大学教授、金融创新与互联网金融法制研究中心主任</p> <p><b>题目:</b> 电子商务的范围——以国际电子商务规则为视角</p> <p>Li Aijun, Professor and Director of the Financial Innovation and Internet Financial Legal System Research Center at CUPL</p> <p><b>Topic:</b> The Scope of E-Commerce—from the Perspective of the International E-Commerce Regulations</p>
10:15 - 10:30	<p><b>刘俊海:</b> 中国人民大学教授、商法研究所所长</p> <p><b>题目:</b> 电子商务的法律促进</p> <p>Liu Junhai, Professor and Director of the Research Center of Commercial Law at Renmin University of China</p> <p><b>Topic:</b> Legal Promotion of E-Commerce</p>

10:30 – 10:45	<p><b>Cristiano Rizzi:</b> 北京中伦文德律师事务所法律顾问  <b>题目: 电子商务在中国——新数据经济的形成</b>  Cristiano Rizzi, Zhonglun W&amp;D(Beijing), Of Counsel  <b>Topic:</b> E-Commerce in China: Shaping a New Digital Economy</p>
10:45 – 11:00	<p><b>张韬:</b> 北京华讯律师事务所主任、参与全国人大《电子商务法》立法起草工作  <b>题目: 《电子商务法》中的消费者权益保护</b>  Zhang Tao, Director of Beijing Huaxun Law Firm, Participant of the E-Commerce Law Drafting Committee of the National People's Congress (NPC), P.R. China  <b>Topic:</b> Consumer Protection in E-Commerce Law</p>
11:00 – 11:15	<p><b>丁道勤:</b> 京东集团法务部政策研究总监、参与全国人大《电子商务法》立法起草工作  <b>题目: 电子商务的市场竞争</b>  Ding Daoqin, Chief Inspector of the Legal Affair Department of Jingdong, Participant of the E-Commerce Law Drafting Committee of NPC  <b>Topic:</b> Market Competition of E-Commerce</p>
11:15 – 11:30	<p><b>薛虹:</b> 北京师范大学教授, 全国人大财经委《电子商务法》立法起草专家小组成员  <b>题目: 国际电子商务法的发展</b>  Xue Hong, Professor at Beijing Normal University, Member of the Expert Group of the E-Commerce Law Drafting Committee of Finance and Economic Committee of NPC  <b>Topic:</b> Development of the International E-Commerce Law</p>
11:30–11:45	<p><b>吕来明:</b> 北京工商大学法学院教授、国家工商总局“电子商务立法大纲”委托课题起草组负责人  <b>题目: 电子商务交易平台的责任界限</b>  Lv Laiming, Professor of the Law School at the Beijing Technology and Business University, Leader of the E-Commerce Law Drafting Group of the State Administration for Industry and Commerce of the People's Republic of China (SAIC)  <b>Topic:</b> The Limits of Responsibility of E-Commerce Platforms</p>
11:45 – 12:15	<b>问答与讨论 / Q&amp;A and Discussion</b>
12:15 – 14:00	<b>午餐 / LUNCH</b>
<p><b>分议题二：电子商务的行政监管与其它法律问题</b>  SUB-SESSION II: ADMINISTRATIVE SUPERVISION OF E-COMMERCE AND OTHER LEGAL ISSUES</p> <p><b>主持人 / Chair</b>  <b>刘飞:</b> 中国政法大学教授、中欧法学院中方联席院长  Liu Fei, Professor and Chinese Co-Dean of CESL at CUPL</p>	

14:00 – 14:15	<b>沈岿:</b> 北京大学法学院教授 <b>题目:</b> 电子商务监管体系中电商平台的法律地位 Shen Kui, Professor of Law at Peking University <b>Topic:</b> The Legal Status of E-Commerce Platforms in the System of E-Commerce Regulation
14:15 – 14:30	<b>Zheng Sophia Tang:</b> 英国纽卡斯尔大学教授 <b>题目:</b> 电商消费者的救济途径——比较研究 Zheng Sophia Tang, Professor at Law School, Newcastle University, UK <b>Topic:</b> Consumers' Access to Justice in E-Commerce: A Comparative Study
14:30 – 14:45	<b>杨东:</b> 中国人民大学教授、法学院副院长、中国人民大学金融创新与风险治理研究中心筹建人 <b>题目:</b> 电子支付立法的最新动态与展望 Yang Dong: Professor and Vice Dean of the Law School at Renmin University of China, Founder of the Research Institute of Financial Innovation and Risk Governance <b>Topic:</b> Legislation on E-Payment Law- Recent News and Future Outlook
14:45 – 15:00	<b>胡凌:</b> 上海财经大学法学院副院长 <b>题目:</b> 互联网平台自我规制的效果: 以声誉评分机制为例 Hu Ling, Vice Dean of the Law School of Shanghai University of Finance and Economics <b>Topic:</b> The Effect of Self-Regulation of Internet Platforms – the Case of Online Ranking Systems
15:00 – 15:15	<b>张卿:</b> 中国政法大学教授、美国密歇根大学法学院 John M.Olin 法和经济学中心研究员 <b>题目:</b> 共享经济的兴起与行政审批制度的优化 Zhang Qing, Professor at CUPL, Researcher of the John M. Olin Law and Economics Research Center at University of Michigan <b>Topic:</b> Rise of the Share-Economy and Optimizing of the Administrative Approval System
15:15 – 15:30	<b>徐行健:</b> 阿里巴巴平台治理安全运营专家 <b>题目:</b> 电子商务平台的知识产权保护 Xu Xingjian, Safe Operation Expert of Platform Governance of Alibaba <b>Topic:</b> IP Protection of E-Commerce Platforms
15:30 – 15:45	<b>Benoit Misonne:</b> IP Key 驻中国北京项目组组长和技术专家组组长 Benoit Misonne: Team Leader, Technical Experts' Team, IP Key, Beijing



15:45 – 16:00	<p><b>刘权:</b> 中央财经大学法学院讲师  <b>题目:</b> 电子商务监管措施——类型、问题及对策  Liu Quan, Lecturer of the Central University of Finance and Economics  <b>Topic:</b> Regulation on E-Commerce- Style, Problems and Strategies</p>
16:00 – 16:15	<p><b>Teresa Rodríguez de las Heras Ballell:</b> 西班牙卡洛斯三世大学  <b>题目:</b> 电商交易规则以及电商平台的角色——权利、义务和责任  Teresa Rodriguez de las Heras Ballell, Professor at the Carlos III University of Madrid, Spain  <b>Topic:</b> Rules on E-Commerce Transactions and the Role of Electronic Platforms: Rights, Duties and Liability</p>
16:15 – 16:30	<p><b>马允:</b> 中国政法大学法学院讲师  <b>题目:</b> 从负面清单到正面清单——中国跨境电子商务监管的格局变化  Ma Yun, Lecturer at the Law School of CUPL  <b>Topic:</b> From Negative Listing to Positive Listing: the Changing Landscape of Regulation on Cross-Border E-Commerce in China</p>
16:30 – 17:00	<b>问答与讨论 / Q&amp;A and Discussion</b>
	<p><b>特邀嘉宾 / Special Guests:</b>  <b>孟兆平:</b> 中国电子商务法律委员会委  Meng Zhaoping, Member of the China E-Commerce Law Committee  <b>李倩:</b> 阿里巴巴政府事务部专家  Li Qian, Expert of Alibaba Government Affairs Department</p>

## 媒体 / Media

财经杂志	Finance & Economy Journal
财新杂志	CAIXIN.COM
中国证券报	China Securities Journal
经济日报	Economic Daily

欧方参会人员名单 / Participants from Europe 按音序排列 / In Alphabetical Order	
姓名 / Name	工作单位 / Affiliation
ABEL Jeannette	德国驻华大使馆法律与领事部官员 / Officer of the Legal and Consular Department of the German Embassy
ANTONELLI Federico	意大利驻华使馆法律专员 / Legal Attaché of the Italian Embassy in Beijing
FERRI Marco	欧盟驻中国及蒙古国代表团政治处公使衔参赞 / Minister Counsellor of Political Section at Delegation of the European Union to China and Mongolia
GARGALLO GONZALEZ Emilia	欧盟驻中国及蒙古国代表团贸易官 / Trade Officer, Delegation of the European Union to China and Mongolia
GONYEA Nicole	中欧法学院合伙人办公室科研项目主管 / Academic Programmes Officer of China-EU School of Law Consortium Office
JULIUS Hinrich	中国政法大学中欧法学院联合管理委员会欧方联席主任、德国汉堡大学法学院教授 European Co-Chair of the CESL JMC, Professor of Law at the University of Hamburg, Germany
KOLLI Kamelia	加拿大蒙特利尔大学法学院国际商事与贸易法律研究中心法律与事务研究部主管 Director of the Law and Management Research Axis, International Business and Trade Law Research Center, Faculty of Law, University of Montreal, Canada
LUNDELL Bengt	瑞典隆德大学教授 / Professor at the Department of Law, Lund University, Sweden
MANWARING Anthony	法国驻华使馆法务参赞 / Legal Counsellor of the Embassy of France in China
MISSONE Benoit	IP Key 驻中国北京项目组组长和技术专家组组长 / Team Leader, Technical Experts' Team, IP Key, Beijing
MILANES Riccardo	意大利驻华使馆法律专员助理 / Assistant of the Legal Attaché of the Italian Embassy in China
MORETTO Sakura	欧盟驻中国及蒙古国代表团法治与良好治理项目官员 / Project Officer of Rule of Law and Good Governance at the Delegation of the European Union to China and Mongolia



NORD Nicolas	法国斯特拉斯堡大学教授、斯特拉斯堡法律与政管学院国际处副主任 / Professor and Vice Dean of International Relations of the Faculty of Law, Political Science and Management, University of Strasbourg, France
QIU Alec	荷兰驻华大使馆经济商务处商务官员 / Commercial Officer of the Economic Department of the Netherland Embassy
RICHTER Clemens	中国政法大学中欧法学院欧方执行院长 / European Executive Co-Dean of CESL at CUPL
RIZZI Cristiano	北京中伦文德律师事务所法律顾问 / Zhonglun W&D(Beijing), Of Counsel
RODRIGUEZ DE LAS HERAS BALLELL Teresa	西班牙卡洛斯三世大学教授 / Professor at Carlos III University of Madrid, Spain
SCHLEPPER Katharina	德国驻华大使馆法律与领事部官员 / Officer of the Legal and Consular Department of the German Embassy
SUN Steven	荷兰驻华大使馆经济商务处商务官员 / Commercial Officer of the Economic Department of the Netherland Embassy
TANG Zheng Sophia	英国纽卡斯尔大学教授 / Professor of the Law School, Newcastle University, UK
TAJTI Tibor	匈牙利中欧大学教授、国际商法研究中心主席 / Professor at the Central European University, Chair of the International Business Law Program Department of Legal Studies, Budapest
TORRALBA Elisa	西班牙马德里自治大学教授 / Professor at the Faculty of Law, Autonomous University of Madrid, Spain
WAN PUN Lung	联合国国际贸易法委员会亚太中心法律专家 / Legal Expert, UNCITRAL Regional Centre for Asia and the Pacific, United Nations
WIERENGA Dirk Jan	荷兰驻华大使馆经济商务处第一秘书 / First Secretary of the Economic Department of the Netherland Embassy
ZIPPERER Ursula	中欧法学院合伙人办公室市场经理 / Marketing Manager of China-EU School of Law Consortium Office
ZHENG Ying	英国驻华大使馆法治项目经理 / Rule of Law Project Manager, British Embassy, Beijing

中方参会人员名单 / Participants from China 按音序排列 / In Alphabetical Order	
姓名 / Name	工作单位 / Affiliation
阿拉木斯 / ALA Musi	信息社会 50 人论坛成员、中国电子商务协会政策法律委员会副主任 / Member of the 50 Forum of Information Society, Vice Director of Policy and Law Committee of China E-Commerce Association
陈鹏 / CHEN Peng	法国德尚律师事务所 / Lawyer of the DS Avocats Law Firm
丁道勤 / DING Daoqin	京东集团法务部政策研究总监、参与全国人大《电子商务法》立法起草工作 / Chief Inspector of the Legal Affair Department of Jingdong Group, Participant of the E-Commerce Law Drafting Committee of NPC
胡凌 / HU Ling	上海财经大学法学院副院长 / Vice Dean of the Law School at Shanghai University of Finance and Economics,
李爱君 / LI Aijun	中国政法大学教授, 金融创新与互联网金融法制研究中心主任 / Professor at CUPL, Director of the Financial Innovation and Internet Financial Legal System Research Center at CUPL
李海英 / LI Haiying	工信部电信研究院政策与经济研究所法律部主任 / Director of the Law Department of Policy and Economic Research Institute of the Ministry of Industry and Information Technology
李倩 / LI Qian	阿里巴巴政府事务部专家 / Expert of Alibaba Government Affairs Department
刘飞 / LIU Fei	中国政法大学中欧法学院教授、中方联席院长 / Professor and Chinese Co-Dean at CESL at CUPL
刘俊海 / LIU Junhai	中国人民大学法学院教授、商法研究所所长 / Professor and Director of the Research Center of Commercial Law at Renmin University of China
刘权 / LIU Quan	中央财经大学法学院讲师 / Lecturer of the Central University of Finance and Economics
马允 / MA Yun	中国政法大学法学院讲师 / Lecturer of the Law School at CUPL
孟兆平 / MENG Zhaoping	中国电子商务法律委员会委 / Member of the China E-Commerce Law Committee
吕来明 / LV Laiming	北京工商大学法学院教授、国家工商总局“电子商务立法大纲”委托课题起草组负责人 Professor of the Law School at the Beijing Technology and Business University, Leader of the E-Commerce Law Draft Group of State Administration for Industry and Commerce (SAIC), PRC

齐红 / QI Hong	中国政法大学中欧法学院讲师 / Lecturer of CESL at CUPL
沈岍 / SHEN Kui	北京大学法学院教授 / Professor at the Beijing University
徐行健 / XU Xingjian	阿里巴巴平台治理安全运营专家 / Safe Operation Expert of Platform Governance of Alibaba
薛虹 / XUE Hong	北京师范大学教授, 全国人大财经委《电子商务法》立法起草专家小组成员 / Professor at the Beijing Normal University, Member of the Expert Group of the E-Commerce Law Drafting Committee of the Finance and Economic Committee of NPC
杨东 / YANG Dong	中国人民大学教授、法学院副院长、中国人民大学金融创新与风险治理研究中心筹建人 Professor and Vice Dean of the Law School at the Renmin University of China, Founder of the Research Institute of Financial Innovation and Risk Government
应松年 / YING Songnian	中国政法大学终身教授、中国法学会行政法学研究会名誉会长 / Tenured Professor at CUPL, Honored Chairman of the Administrative Law Society of China Law Society
张福森 / ZHANG Fusen	中国政法大学中欧法学院联合管理委员会中方联席主任、司法部前部长 / Chinese Co-Chair of the Joint Managerial Committee of CESL at CUPL, Former Minister of Justice, PRC
张卿 / ZHANG Qing	中国政法大学教授、美国密歇根大学法学院 John M. Olin 法和经济学中心研究员 Professor at CUPL, Researcher of the John M. Olin Law and Economics Research Center
张韬 / ZHANG Tao	北京华讯律师事务所主任、参与全国人大《电子商务法》立法起草工作 / Director of Beijing Huaxun Law Firm, Participant of the E-Commerce Law Drafting Committee of the National People's Congress (NPC), PRC
赵旭东 / ZHAO Xudong	中国政法大学教授、中国商法学研究会会长 / Professor at CUPL, Chairman of the China Commercial Law Society
郑永流 / ZHENG Yongliu	中国政法大学中欧法学院教授、中欧法学院法哲学与交叉法学研究所所长 / Professor of CESL at CUPL, Director of Institute for Legal Philosophy and Interdisciplinary Research of Law at CESL at CUPL
周湘健 / ZHOUXiangjian	广东太阳神集团有限公司副总经理 / Vice General Manager of the Guangdong Apollo Enterprise Group
朱伟一 / ZHU Weiyi	中国政法大学教授 / Professor at CUPL



**“2016 中欧学术研讨会——电子商务法专题”工作组**

地 址: 北京市昌平区府学路 27 号中国政法大学中欧法学院 (102249)

联系人: 赵天书 86-10-5991-5787

会务组: 赵天书、陈颖芳、关颖

邮 箱: info\_cesl@cupl.edu.cn 传真: 86-10-5991-5792

网 址: www.cesl.edu.cn

Organizing Working Group of 2016 Academic Conference on E-Commerce Law Forum

Add. : China-EU School of Law at the China University of Political Science and Law,

27 Fuxue Road, Changping District, Beijing, 102249, P.R. China

Liaison: Zhao Tianshu Tel.: 86-10-5991-5787

Organizing Group: Zhao Tianshu, Chen Yingfang, Guan Ying

E-mail: info\_cesl@cupl.edu.cn Fax.:86-10-5991-5792

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