REFORM OF SECURED TRANSACTIONS LAWS
Chinese and European Experiences Compared

Venue: CEU, Popper Room, Monument Building, Nador Street No. 9
Date: 25 of September 2015
Time: 08:45 a.m. to 06:00 p.m.
INTRODUCTORY NOTE TO THE SYMPOSIUM

The symposium on the “Reform of Secured Transactions Laws – Chinese and European Experiences Compared” is co-organised by the China-EU School of Law (CESL) and the Department of Legal Studies at Central European University (CEU), a CESL partner university. This symposium will focus on current reforms of secured transactions law and its global and local perspectives, comparing reforms in European countries as well as in China. The findings of the workshop will be published in the China-EU Law Journal.

About CESL

CESL is a unique project and school for China-EU legal education, research and professional training and a platform for dialogue and exchange. CESL, at the China University of Political Science and Law (CUPL), is based on an international governmental agreement by between the P.R. China and the European Union. It is the first and only China-Foreign Law School approved by the Ministry of Education in China. CESL is led by a consortium of 15 European and Chinese universities and supported by 27 associate partners.

About CEU

CEU has developed a distinct academic and intellectual focus, combining the comparative study of the region’s historical, cultural, and social diversity with a global perspective on good governance, sustainable development and social transformation. With approximately 1,400 students and 370 faculty members from more than 130 countries, CEU is one of the most densely international universities in the world. The Department of Legal Studies provides high quality advanced legal education and education in human rights, comparative constitutional law, and international business law. Its programs are among the finest in Europe, enabling students to obtain a solid grounding in fundamental legal concepts in civil law and common law systems and to develop unique skills in comparative analysis.

EU-CHINA

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<td><strong>INTRODUCTION AND WELCOME</strong>&lt;br&gt;Welcome by the organizers, Prof. Armin Hatje, European Co-Dean, CESL&lt;br&gt;Roadmap to the symposium by Prof. Tibor Tajti, Central European University, Budapest</td>
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<td>09.30 - 10.00</td>
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<td><strong>UNCITRAL, Europe and the US Uniform Commercial Code. A change of paradigm?</strong>&lt;br&gt;Prof. Dr. Ignacio Tirado, Universidad Autonoma of Madrid</td>
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<td><strong>The English law of secured transactions: the way forward?</strong>&lt;br&gt;Prof. Louise Gullifer, University of Oxford</td>
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<td><strong>The new European principles for secured transactions: Systematic structure, comparative aspects and future perspectives for Book IX of the Draft Common Frame of Reference (DCFR) on Proprietary Security in Movable Assets</strong>&lt;br&gt;Dr. Ole Boeger, Judge, German Ministry of Justice and for Consumer Protection, Berlin</td>
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<td><strong>Register publicity of security: universal lessons from Belgian and American experience</strong>&lt;br&gt;Drs. Frederic Helsen, KU Leuven</td>
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<td><strong>Secured Transactions Reforms in China</strong>&lt;br&gt;Prof. Wang Yong, China University of Political Science and Law (CUPL), Beijing</td>
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<td><strong>Floating Charge System in China</strong>&lt;br&gt;Prof. Li Shuguang, China University of Political Science and Law (CUPL), Beijing</td>
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<td><strong>Hungarian secured transactions law reforms</strong>&lt;br&gt;Prof. Attila Menyhárd, ELTE Law School, Budapest</td>
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<td><strong>Are Two Waves of Reforms Enough?</strong>&lt;br&gt;The Post-1990 Secured Transactions Reforms in Slovakia&lt;br&gt;Alexandra Horváthová S.J.D., CMS, Cameron McKenna Law Firm, Budapest</td>
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<td>16.00 - 16.30</td>
<td><strong>A Critical Look at the Post-Communist Reformed Secured Transactions Law of Romania</strong>&lt;br&gt;Cătălin Gabriel Stănescu S.J.D., SCPA Bordianu and Associates, Bucharest</td>
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<td><strong>CONCLUDING REMARKS</strong>&lt;br&gt;Panel: 1. Prof. Louise Gullifer, 2. Prof. Li Shuguang and 3. Prof. Tibor Tajti</td>
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Prof. Armin Hatje

Armin Hatje is a full professor of law since 1997. Since 2006 he has been a professor for Public Law and European Law at the University of Hamburg. He is the director of the department for European Law at the Faculty of Law. Before Prof. Hatje moved to Hamburg he was professor for European and International Law at the University of Bielefeld where he was Dean of the Faculty of Law. Since 2008 Prof. Hatje has acted as the European Co-Chair of the CESL Master Committee. He has taught the “Legal Foundations of EU Law” course at CESL in Beijing for many years. In January 2014 he was appointed European Co-Dean of CESL.

Prof. Tibor Tajiti

Tibor Tajti is Professor of Law at Central European University, Budapest, Hungary (accredited in New York State, USA). Formerly the director of the Doctoral Program, now head of the International Business Law Program at this post-graduate, English-speaking educational and research institution.

The fields in the center of his expertise and interest extend from bankruptcy and secured transactions law, law of business vehicles, corporate governance, as well as capital markets and securities regulation.

Recently, his research focus is on those fields of law that overlap with these (e.g., data protection in the context of insolvency law) as well as on the law and growth nexus. Prof. Tajti writes primarily in the English language and some of his more recent publications are available via SSRN or ResearchGate. He also published as part of the Common Core of European Private Law of Project. His main works include the textbook Comparative Secured Transactions Law, as well as the Case Law of Central and Eastern Europe books co-edited by him.

SESSION I:
Why is the secured transactions law of importance?
Global and local perspectives

Chair: Prof. Attila Menyhárd

Prof. Ignacio Tirado

Currently, Ignacio Tirado is Professor (Titular) of Corporate and Insolvency Law at the Universidad Autónoma of Madrid (Spain), Senior Legal Consultant at the World Bank’s Financial Sector Practice and Consultant on insolvency-related matters to the IMF’s Legal Department.

Until he joined the World Bank, Prof. Tirado was Of Counsel of the Business Restructuring and Insolvency Practice of Hogan Lovells, LLP (Madrid Office, then Lovells LLP.)
Prof. Tirado’s research interests as well as legal practice focuses on Insolvency Law (corporate and sovereign), Corporate Law (business and company restructuring) and financial and securities regulation.

Prof. Tirado is a member and a Director of the International Insolvency Institute. He has represented the World Bank in UNCITRAL’s Working Group V (insolvency) and Spain and the III in Working Group VI (secured transactions).

Prof. Tirado is the Lead Researcher at UAM in a DG Justice Project on out of court workouts within the context of the programme to Support Judicial Cooperation in Civil Matters.

Prof. Louise Gullifer
Louise Gullifer is Professor of Commercial Law at Oxford University and Fellow and Tutor in Law at Harris Manchester College, Oxford, where she has been the senior law tutor since 1999. She has been teaching at Oxford since 1991, and before that she practised as a barrister: she is an honorary member of 3 Verulam Buildings and is a Bencher of Gray’s Inn.

Her research interests focus broadly on commercial law and corporate finance and she writes extensively in areas such as security and title financing, corporate finance, corporate insolvency, personal property and set-off. Among other works, she is co-author of The Law of Security and Title Financing (2nd edn, Oxford University Press) and has prepared the last two editions of Goode on Legal Problems of Credit and Security. Together with Professor Orkun Akseli, she has edited a Secured Transactions Law Reform: Principles, Policies and Practice. This book will be published in 2016. Professor Gullifer is executive director of the Secured Transaction Law Reform Project and is the Oxford Law Faculty Academic Lead for the Cape Town Convention Academic Project.

SESSION II:
What Europe could offer to the world?
Part One: A Pan-European Perspective

Chair: Dr. Alexandra Horváthová

Dr. Ole Boeger, LL.M.
Dr. Ole Boeger is a Judge at the Landgericht Bremen and the Federal Ministry of Justice as well as for Consumer Protection in Berlin. Prior to this he was a Research Associate at the University of Goettingen and the Max Planck Institute in Hamburg. Dr. Boeger is a member of the Study Group on a European Civil Code’s (SGECC) Working Group on Security Rights responsible for drafting Book IV.G on Personal Security and Book IX on Proprietary Security in Movable Assets of the Draft Common Frame of Reference (DCFR).
Drs. Frederic Helsen
Frederic Helsen is a PhD researcher at the Institute for Commercial and Insolvency Law at KU Leuven, Belgium. His research focuses on the economic analysis of bankruptcy and security interests law, and more specifically, how security interests can be used to mitigate the credit rationing caused by adverse selection and moral hazard in the credit market.

Frederic was a Fellow of Fulbright, the Belgian American Educational Foundation (BAEF) and the Research Foundation Flanders (FWO) at Harvard Law School (2014-15) and UC Berkeley Law School (2015). He has conducted research in collaboration with the Max Planck Institute (Bonn) and the Centre for European Policy Studies (Brussels), and has published in areas ranging from bankruptcy law and law and economics to family property and land lease law, in both Belgian and international journals.

SESSION III:
Developments in the PR of China

Chair: Prof. Ignacio Tirado

Prof. Yong Wang (王涌)

Prof. Li Shuguang
Professor Li Shuguang is the founder and the director of the Bankruptcy Law and Restructuring Research Center, the Executive Dean of the Graduate School of the China University of Political Science and Law (CUPL), and the Deputy Director of Legislative Application Institute of the Supreme People’s Court of China. He is a member of the Issuance Examination Committee of the China Main Board of China Securities Regulatory Commission, a Vice Director of the Bankruptcy and Liquidation Advisory Committee of the Chinese Institute of Certified Public Accountant. Prof. Li is a researcher at the China Institute for Restructuring Economic System and an executive council member of China Institute of Economic Law.

He is the current President of China INSOL, a fellow of the 19th Class of American College of Bankruptcy, and a member of the International Insolvency Institute. Prof. Li is a pioneer in China in the field of insolvency and restructuring. Since the early 1990s, he has been involved in drafting a series of new laws and regulations of the National People’s Congress, as well as provided advice in relation to drafting and formulating the policy of the State Council on the bankruptcy of state-owned enterprises and policy on developing the private economy. Since 1995, he has been a leading expert in a number of projects of the Asian Development Bank and World Bank.
SESSION IV:
What Europe could offer to the world?
Part two: The case of Central and Eastern Europe

Chair: Drs. Frederic Helsen

Prof. Attila Menyhárd
Attila Menyárd is Assistant Professor of Civil Law and Head of the Civil Law Department at Eötvös Loránd University (ELTE) in Budapest. He is an active contributor to the work of the Hungarian-British Joint Academic Committee with Law Professors from the UK, the Program of European Conference on Tort and Insurance Law and the Program of National Court Practice and European Tort Law and other ECTIL projects. He is also a contributor to a French-English-Hungarian joint program on Private Law Codification.

Alexandra Horváthová S.J.D.
Alexandra Horváthová received her LL.M. and S.J.D. in international business law from Central European University and her Magister Iuris and JUDr. from Comenius University in Bratislava.

Horváthová’s central field of interest is the law of finance, including secured transactions, financial regulation and private equity.

Horváthová carried out part of her S.J.D. research at Cornell Law School and Oxford University. In 2012 she joined the Center for Integrity in Business and Government at CEU Business School, which focuses on the issues connected to anti-corruption, ethics and integrity. Her research continues to scrutinize the issues of international business law, law of finance and business and human rights. Currently Horváthová is working for CMS Cameron McKenna in Budapest.

Cătălin Gabriel Stănescu S.J.D.
Catalin Gabriel Stanescu studied law at Al. I. Cuza University, Faculty of Law, in Iasi, Romania (1999-2003). He obtained an M.A. in political science in 2006 from the National School of Political and Administrative Studies, in Bucharest, Romania and an LL.M. in international business law in 2011 from CEU, Budapest, Hungary. In 2015, he graduated summa cum laude from the doctoral programme of CEU, with a thesis dedicated to self-help and private debt collection, which was published this August by Springer.

He has extensive practical experience in the field of private Romanian law. In 2004 he started working as a legal counsel for Ploiești City Hall, and opened his own practice in 2006. He also worked as in-house counsel for the Romanian subsidiaries of Österreichische Mineralölverwaltung (OMV) and Gazprom, specializing in upstream oil and gas consultancy. Currently he holds a senior position with SCPA Bordinanu and Associates, Bucharest, Romania, dealing with private law litigation and renewable energy consultancy.

He has several publications, both in English and Romanian, His latest monograph dedicated to Romanian Energy Law will be published in September by Kluwer.
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