



# Faculty of Law Bi-Monthly Newsletter

法學院新聞簡報（雙月刊）

Faculdade de Direito Boletim Bi-mestral

## RESEARCH ACTIVITIES

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◆ **Prof. John Shjian Mo**

Double remedy and illegality of the EU determinations to impose concurrent duties on the imported coasted fine products, 2011 volume 45 number 3, *La Revue Juridique Themis*, pp 495-539.

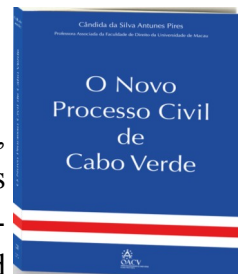
◆ **Prof. Jianhong Fan and Dr. Yuan Zhao**

Macau's Corporations and Partnerships (Up-to-date as of December 2011) co-authored by Dr. Yuan Zhao( in Assistant Research Fellow, East China University of Political Science and Law, China) and Prof. Jianhong Fan, published via Kluwer Law International in May 2012.

Prof. Fan's Doctor candidate, Mr. Lao Io Keong, has also contributed to the Introduction to this volume. The book has been included in the project of Prof. Dr. Roger Blanpain, Geens Prof. Dr. Koen, Colucci Prof. Dr. Michele (Eds.), *International Encyclopaedia for Corporations & Partnerships* (Kluwer Law International BV, The Hague) .

◆ **Prof. Cândida da Silva Antunes Pires**

The book "O Novo Processo Civil de Cabo Verde", published by the Instituto Superior de Ciências Jurídicas e Sociais of the City of Praia and the Lawyers Bar Association of Cape Verde, launched in a ceremony in the City of Praia, Cape Verde, in December 2011, now adopted as textbook in the above Instituto Superior.



◆ **Prof. Teresa Lancry de Gouveia de Albuquerque e Sousa Robalo**

‘Justiça Restaurativa, um Caminho para a Humanização do Direito’, Editora Juruá, Brazil.

◆ **The Institute for Advanced Legal Studies**

Macau Law Review Number 5.

◆ **Prof. Miguel Pacheco Arruda Quental**

Manual de Formação de Direito do Trabalho em Macau - Novo Regime das Relações de Trabalho (Macau Labour Law), Centro de Formação Jurídica e Judiciária, 2012.





### Visitors

#### *For teaching*

1. 02/05/2012 to 04/05/2012, Judge Chao Im Peng, from the Court. (MCL/LCL)
2. 23/05/2012 to 31/05/2012, Prof. I Nelson Rose, from Whittier Law School, California, USA.(MIB/LIB)

#### *For oral defense*

1. 18/06/2012, Prof. Peter Malanczuk, from Peking University School of Transnational Law. (MLE/LLE)
2. 15/06/2012, Prof. Fang Quan, from Faculty of Law of Macau University of Science and Technology. (MLE/LLE)
3. 28/06/2012, Prof. Zhao LinLin, professor from Faculty of Law of Macau University of Science and Technology. (MLE/LLE)
4. 21/06/2012, Prof. Luo Jianwen, professor from Sun Yat-sen University. (MIB/LIB)

### Jean Monnet Seminar Series



- ◆ On 2 May 2012, Prof. Emil J.Kirchner,as the keynote speaker, gave a speech entitled “Developments in the EU-China Political Dialogue in the Global Context”. Prof. Emil J.Kirchner, professor of European Studies and Jean Monnet Chair; Associate Editor of the Journal of European Integration; Department of Government, University of Essex.
- ◆ On 9 May, Europe Day activities. Prof. Rostam Neuwirth (Associate Professor, Faculty of Law, University of Macau), Prof. Sten Verhoeven (Senior Instructor, Faculty of Law, University of Macau), Mr. Luís Pessanha (Part-Time Lecturer, Faculty of Law, University of Macau; Legal Adviser, Legislative Assembly), Mr. Diogo Alvim (Senior Instructor, Faculty of Law, University of Macau), Ms. Zhang Jiao (PhD candidate, Faculty of Law, University of Macau) have attended and gave speeches.
- ◆ On 11 May, Prof. Rostam Neuwirth (Associate Professor, Faculty of Law, University of Macau) gave a speech entitled as “‘Novel Food’ for Thought” for the ‘Law and Technology’ Link: The Case of Food Regulation in the EU and the PRC.
- ◆ On 18 May, a speech named as “Services of General Economic Interests in EU and WTO La” was given by Prof. Sten Verhoeven (Senior Instructor, Faculty of Law, University of Macau).



### **Prof. Teresa Lancry de Gouveia de Albuquerque e Sousa Robalo**

1. Attendance of an Introduction to Victimology course, in the Hague (The Netherlands), organized by the World Society of Victimology, from 15 to 16 May 2012. The above Picture is Prof. Teresa with Ivo Aertsen (Leuven, Belgium).
2. As a speaker in the 7<sup>th</sup> International Conference on Restorative Justice, organized by the European Forum for Restorative Justice, under the topic: 'Restorative Justice in the school context: a way forward to change mentalities', in Helsinki (Finland), from 14 to 16 June 2012.

### **Prof. John Shijian Mo**

1. 18 May 2012, Prof Mo, Prof Lok, Dr Wang Chao and Dr Iau attended the Forum on Reform of Macau Law in Response to the Transfer of Hengqin Campus of UM to Macau, co-organized in Beijing by Qinghua University Institute for Hong Kong and Macau Legal Studies, Beijing University Centre for Hong Kong and Macau Legal Studies, Faculty of Law of Macau University, and Legal Affairs Bureau of Macau SAR Government.
2. 25 May 2012, Prof Mo attended International Forum on EU ETS on Airline Charges between China and US, organized in Beijing by Beihang University Law School.
3. 16 June 2012, Prof Mo attended the International Conference on WTO, Korea and China, organized in Seoul by Korean Society of International Economic Law, and presented a paper entitled: Illegality of the Present US Concurrent Duty Rules under WTO Law.

### **Prof. Fernando Dias Simões**

1. Macau: um fórum para a arbitragem entre a China e o mundo lusófono, 8 May 2012, Colóquio sobre Direito Comercial e Internacional para os Países de Língua Portuguesa, Faculty of Law of the University of Macau.
2. Contratos de adesão: uma análise luso-chinesa, 8 May 2012, Colóquio sobre Direito Comercial e Internacional para os Países de Língua Portuguesa, Faculty of Law of the University of Macau.
3. Serviços de Interesse Geral: a experiência portuguesa, 9 May 2012, Colóquio sobre Direito Comercial e Internacional para os Países de Língua Portuguesa, Faculty of Law of the University of Macau.
4. Responsabilidade por Produtos na Europa e na China, 9 May 2012, Colóquio sobre Direito Comercial e Internacional para os Países de Língua Portuguesa, Faculty of Law of the University of Macau.
5. Correspetividade na Lei dos Serviços Públicos Essenciais - os consumos mínimos e as taxas de disponibilidade, 17 May 2012, 15 anos de Serviços Públicos Essenciais: problemas e desafios, Livraria Almedina Arrábida Shopping, Vila Nova de Gaia, Portugal.
6. Private Labels and Liability for Products: hypermarkets as apparent producers, Who then in law is my neighbour? International Conference, University of the West of Scotland, Paisley, Scotland, 25 May 2012.
7. Regulation and Markets, Master Programme in International Trade Law, Faculty of Law of the University Eduardo Mondlane, Maputo, Mozambique, 16-hour module, 6 to 15 June 2012.

## ACADEMIC ACTIVITIES

### Prof. Rostam J. Neuwirth

1. Attended the first Workshop on the Future of Intellectual Property (IP) (<http://www.law.drake.edu/academics/ip/?pageID=ipFuture>), which was organized by Professors Deborah Halbert and Prof. Peter K. YU and was co-sponsored by the University of Hawaii at Manoa, Department of Political Science and Drake University Law School and held at the University of Hawaii between 1 to 3 June 2012.

2. Presented a paper entitled "Global Governance and the Creative Economy: The Developing versus Developed Country Dichotomy Revisited" in the Panel on "Currents of Convergence in National, Transnational, and International Law". 2012 International Conference on Law and Society: Sociological Conversations across a Sea of Islands, 4 to 8 June 2012.

### Prof. Paula Nunes Correia

As the co-author of the Report from Macau on "The civil codes", presented it in the quality of National Reporter, at the session devoted to "The scope and structure of civil codes – The inclusion of commercial law, family law, labour law and consumer law" of the International Congress of Comparative Law on "Codification", organized by the International Academy of Comparative Law, held in Taipei, Taiwan, during 24 to 26 May 2012.

### Prof. Cândida da Silva Antunes Pires

1. Chairperson of the Seminar on "A Arbitragem Internacional na Nova Lei de Arbitragem Voluntária Portuguesa", organized by the Center for Law Studies of the Faculty of Law of the University of Macau.

2. Colloquium on "Direito Comercial e Internacional para os Países de Língua Portuguesa do Centro de Formação do Fórum de Macau" (Macau -Shenzhen), held on 16 May 2012: chairperson of the Session "Apresentação dos Participantes sobre a Situação dos seus Respectivos Países em Relação ao Direito Comercial e Internacional".

### Annual Review of Macau Gaming Law

A seminar on gaming law that took place on Monday, 21 May 2012, in Auditorium II of the Library of the University of Macau. The two key speakers are:

1. Prof. I Nelson Rose, Distinguished Senior Professor, Whittier Law School, Costa Mesa, California and Visiting Professor, University of Macau
2. Prof. Jorge Godinho, Associate Professor, University of Macau

The 2012 event featured commentary on major issues related to gaming law in the last year, focusing on Macau and the United States, including especially:

- a) The expansion of legal gambling in the US and the ongoing litigation and investigations involving major US gaming companies;
- b) the first amendment to Law 16/2001, nearly 11 years after, which has various novelties including the age increase to 21 and the regulation of exclusion programs.

The seminar was organized in the framework of the International Business Law master and postgraduate program offered by the Faculty of Law. The seminar is an annual event.

**Second Annual Review of Macau Gaming Law**

**Punição "demasiado severa" para apostadores compulsivos**

**Uma forte tradição de Macau**

Monday, 21 May, Auditorium II, Library, 18h30, Umac

Speakers: Prof. I Nelson Rose and Prof. Jorge Godinho

The 2012 event features commentary on major issues related to gaming focusing on Macau and the United States, including especially:

- The expansion of legal gambling in the US and the ongoing litigations involving major US gaming companies
- the first amendment to Law 16/2001, nearly 11 years after, which includes the age increase to 21 and the regulation of exclusion

This event is organized in the framework of the International Business Law master. For questions please call Winnie Tam at 8535-23374

## The Seminar Series about Legal Research

To improve the students' ability in doing legal research and writing, the Faculty of Law has held a seminar. These seminars invited professors from the FLL to give speeches about the various problems students may meet in their thesis writing. The professors gave a lot of ideas combining with their own experiences.

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|---|---|
| 1. Title: Legal Research and Writing<br>Speaker: Mo Shijian<br>Time: 3 May<br>Language: Chinese                               | 8. Title: Research of Macau Public Law - from the perspective of Macau Administrative Law<br>Speaker: Jiang Chaoyang<br>Time: 23 May<br>Language: Chinese |
| 2. Title: Legal Research and Writing<br>Speaker: Mo Shijian<br>Time: 4 May<br>Language: English                               | 9. Title: Legal Research and Writing<br>Speaker: Lok Wai Kin<br>Time: 29 May<br>Language: Chinese   |
| 3. Title: Legal Research and Writing<br>Speaker: Jorge Godinho<br>Time: 4 May<br>Language: English                            | 10. Title: Legal Research and Writing<br>Speaker: Mo Shijian<br>Time: 31 May<br>Language: Chinese   |
| 4. Title: Research Methodology<br>Speaker: Muruga Perumal Ramaswamy<br>Time: 18 May<br>Language: English                      | 11. Follow-up Session<br>Speaker: Muruga Perumal Ramaswamy<br>Time: 2 June<br>Language: English   |
| 5. Title: Research Methodology<br>Hands on Workshop<br>Speaker: Muruga Perumal Ramaswamy<br>Time: 19 May<br>Language: English | 12. Title: How to Avoid Plagiarism and Do Footnotes in Legal Writing?<br>Speaker: Tu Guangjian<br>Time: 7 June<br>Language: English                       |
| 6. Title: Legal Research and Writing<br>Speaker: Paulo Jorge Tavares Canelas de Castro<br>Time: 19 May<br>Language: English   | 13. Title: The Use of Legal Database<br>Speaker: Rostam J. Neuwirth<br>Time: 12 June<br>Language: English   |
| 7. Title: Legal Research and Writing<br>Speaker: Tong Io Cheng<br>Time: 19 May<br>Language: Chinese                           | 14. Title: The Drafting of A Thesis<br>Speaker: Rostam J. Neuwirth<br>Time: 13 June<br>Language: English  |



**The XXII Meeting of the Association of the Portuguese Speaking Universities (AULP, Associação das Universidades de Língua Portuguesa), took place in Maputo, Mozambique, between 18 and 20 June, 2012.**



The General topic of this meeting was *Higher Education and Scientific Research in the Community of the Portuguese Speaking Countries (Ensino Superior e Investigação Científica no Espaço da CPLP)*. This year Maputo hosted the conference. In order to participate in 2012 meeting, Vice-Rector, Prof. Rui Martins, proposed Prof. Manuel Trigo to represent UM to participate in the Meeting of the AULP Executive Board and the Meeting of the General Assembly. By invitation of the AULP Executive Secretary Council, participated also in the Round Table related to Theme 3, “Academic Mobility”, with a presentation updating last year “Academic Mobility, view from Macau, China” (“A mobilidade académica, um olhar de Macau, China”), simply entitled “Academic Mobility, Macau (China) 2012” (Mobilidade Macau (China), 2012).

He took the opportunity to visit the Faculty of Law of the University Eduardo Mondlane and had talked with Dean, Colleagues as well as with Bachelor and Master Students graduated in the University of Macau.

## Codification-Congress of the International Academy of Comparative Law

International Academy  
of Comparative Law**Review on 2012 Taiwan IACL Conference by FLL Members**

This year, the International academy of comparative Law (IACL) had held an academic conference in Taipei, Taiwan from May 24<sup>th</sup> – 26<sup>th</sup> of 2012, the Congress lasted for three days. The IACL had invited and welcomed active participation of legal scholars throughout the world.

The conference was divided into several parts: Scope and Structure of civil codes, codification of human rights, codification and legal transplant – the East Asia Experience, codification of administrative procedure, etc. Professor Augusto Teixeira Garcia, Prof. Paula Nunes Correia, Professor Tong Io Cheng and Professor Wei Dan of the Faculty of Law of the University of Macau were also invited to participate and contribute reports in respect to their own research areas on behalf of a national reporter.

They were invited to be national reporters for the first session, concerning on the scope and structure of civil codes. Professors had contributed pieces of research works to the congress, presenting a general view of Macau's unique evolution within the Congress. All works were joined together to form a complete regional report. The direction of this report was oriented to "The Scope and Structure of Civil Codes – The inclusion of commercial law, family law, labor law and consumer law".

Professor Paula Correia was the one who presented the regional report within the respective session of the Congress. This session took place on the first day of the Congress.

Besides, Professor Tu GuangJian of Faculty of Law of University of Law also participated as a national report of the Congress, contributing report for the session of 'Codification in East Asia' in respect of private international law area. While for Professor Tu's part, the session was arranged on the second day of the Congress.



Professor Manuel Marcelino Escovar Trigo of Faculty of Law of University of Macau had also participated as a representative of the Macau SAR Judicial and Juridical Formation Centre within the Congress.

After attending several sessions, it demonstrated immediate effects in coming at current issues and generating closer academic interactions. By means of the 2012 Taiwan International Congress of Comparative Law, it provided a platform for scholars to discuss ideas and exchange opinions among themselves, in turn encouraging further progress in national aspects through this sharing of experiences.

## **The symposium “Observe the Construction of Professional System from The Perspective of Basic Law” Was Held by FLL of UM**

On 15 June, University of Macau has held a symposium entitled “Observe the Construction of Professional System from The Perspective of Basic Law.” A lot of local communities and professional groups were invited to attend this symposium and exchange their opinions about how to construct the local professional system under the frame of Basic Law.

Prof. Mo Shijian, Dean of the Faculty of Law, University of Macau was the chairman. First of all, Prof. Lok Wai Kin and Prof. Xu Chang introduced the legal background of “the Macau government could choose professional system itself” which has been ruled in article 129 in Macau Basic Law.

Prof. Lok Wai Kin said that the article 129 confirms the capacity of the Macau government to choose a professional system. Under this premise, it is proper to adopt and recognize new mechanism to certificate someone in a professional field when the new mechanism matches the principles of fairness and reason.

The representatives from accounting and engineering field have come up with a lot of suggestions on this problem.







*The Students of the FLL in Hong Kong Legal Aid Department*

### *Moot Court's Visiting to Hong Kong Legislative Organization and HKU, Law School*

With the invitations from Hong Kong High Court, Hong Kong Legislative Council, Hong Kong Legal Aid Department and Hong Kong University, Law School, Moot Court Association, the Faculty of Law representing University of Macau, launched a formal friendly visit to the mentioned Hong Kong Legislative Organizations above from 4 to 5 June 2012. The whole visit had reached fruitful achievements as we expected.

Upon the arrival of the first station, LAD, Catherine Cheung, who is the Executive Secretary of LAD, gave a warm welcome. Under a relaxed atmosphere, a special conference is started which concerning mostly about the Legal Aid Situation in HK and comparison between Mainland and HK with the famous barrister, Mr. Terry Ho who is the senior legal aid counsel now.

Mr. Ho briefly introduced the history and foundation of LAD in HK at beginning. Later he humorously talked about the status of all the legal profession in Hong Kong with PPT, which made the students deeply shocked and inspired. At last, some questions on public interest lawyers between mainland and Hong Kong are discussed. These questions made the students aware that Macau and mainland China have a lot of learning from Hong Kong on legal Aid Construction.

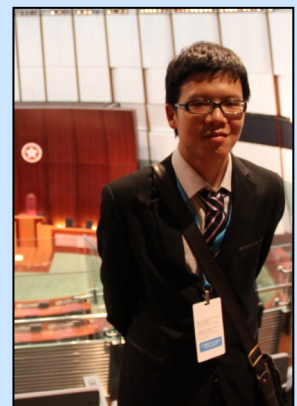
In the afternoon, the students visited the Hong Kong Legislative Council and visited the Hong Kong archives and legal library in Council Building. The completed facilities of HKLC, the style of democracy and universal public meeting, let them deeply aware that Hong Kong is indeed a democratic society under the rule of law.

### *Moot Court's Visiting on 5 June 2012*

On the morning of 5 June, students arrived at High Court in Central. In the evening, they visited the Hong Kong University, Law School. The chairman of Law Association from HKU, Stella, warmly welcomed the delegation.

In the seminar later, they deeply exchanged ideas on the Hong Kong and Macau judicial system, especially on the career choose (barrister and solicitor) for law school students. After that, the delegation prepared a gift for HKU, Law Association and sincerely hope for their coming to UM next time.

Returning from Hong Kong, the students got emotionally surprised by Hong Kong's Judicial System and excellent legal profession. The FLL, University of Macau has a long way to explore and get progress in Legal education as HKU's reference.



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## COMMUNITY SERVICES

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### *Interviews:*

- Prof. Fernando Dias Simões
  - Published 4 articles on the column "A letra da lei", on "Ponto Final" Newspaper (twice a month, in Portuguese).
- Prof. Teresa Lancry de Gouveia de Albuquerque e Sousa Robalo
  - Interviewed with Macau Business, on the proposed amendments to the Criminal Procedure Code, 8 June 2012.
- Prof. Jorge Godinho and Prof. I. Nelson Rose
  - As the two key speakers of the seminar "Second Annual Review of Macau Gaming Law", they are interviewed by the Jornal Tribuna de Macau, ponto final and hojemacau.



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If you have any suggestions or news, please feel free to contact us!