



澳門大學  
UNIVERSIDADE DE MACAU  
UNIVERSITY OF MACAU

法學院新聞簡報（雙月刊）—（1-2月，2021）

FACULDADE DE DIREITO BOLETIM BI-MESTRAL

FACULTY OF LAW BI-MONTHLY NEWSLETTER

ISSUE 54( January/February 2021)

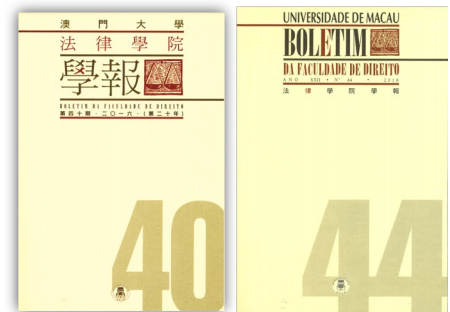
## PUBLICATIONS

### Centre for Law Studies (CLS)

#### Boletim da Faculdade de Direito

Bulletin of the Faculty of Law

- ◆ Concerning the Chinese version, CLS has published Bulletin n° 40.
- ◆ Concerning the Portuguese version, CLS has published Bulletin n° 44.



#### Tradução de clássicos legais portugueses

- ◆ Das Obrigações em Geral (Vol. I)
- ◇ Author: João de Matos Antunes Varela
- ◇ Translator: Tong Io Cheng
- ◇ Publisher: Social Sciences Academic Press (China)
  
- ◆ Das Obrigações em Geral (Vol. II)
- ◇ Author: João de Matos Antunes Varela
- ◇ Translators: Ma Zhe, Chan Kam Tim, Ng Kei Kei, Tong Io Cheng
- ◇ Publisher: Social Sciences Academic Press (China)

## PUBLICATIONS

### Prof. Ng Kei Kei

- ◆ Tong Io Cheng, Sou Kin Fong, Ng Kei Kei, General Discourses of Civil Law and the General Part of the Macau Civil Code, Vol. II, Beijing: Social Sciences Academic Press; Macau: Fundação Macau, 2020
- ◆ João de Mato Antunes Varela, Das Obrigações em Geral, Vol. II, translated by Ma Zhe, Chan Kam Tim, Ng Kei Kei & Tong Io Cheng, from Portuguese, Beijing: Law Press China; Macau: University of Macau, 2020, 403 pages



## RESEARCH ACTIVITIES

### Prof. Alexandr Svetlicinii

- ◆ “Economic nationalism during COVID-19: is the EU merger control ready?” (2021) European Competition Law Review 42(2): 69-74, ISSN: 0144-3054
- ◆ “Cultural Heritage Divided by (International) Law: The Case of North Macedonia” (2021) International Journal for the Semiotics of Law, 1-21, DOI: 10.1007/s11196-021-09832-y, ISSN: 1572-8722
- ◆ “BRIC” Cooperation in the Field of Competition Law and Policy: A New Voice of International Anti-monopoly, BRIC Legal Research (Volume 3·2019), Law Press, 161-167, ISBN: 9787519750213
- ◆ “Three Great Mountains for the Chinese State-Owned Investments in the European Union”, Official Blog of the European Competition and Regulatory Law Review (18 February 2021), <https://www.lexxion.eu/en/coreblogpost/three-great-mountains-for-the-chinese-state-owned-investments-in-the-european-union/>
- ◆ “China to Discipline Online Platforms with Antitrust Enforcement?”, Kluwer Competition Law Blog (17 February 2021), <http://competitionlawblog.kluwercompetitionlaw.com/2021/02/17/china-to-discipline-online-platforms-with-antitrust-enforcement/>



### Prof. Liu Jianhong

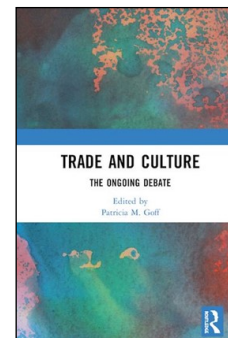
- ◆ Jianhong Liu, Yan Zhang, Xiaoxiang Wang, (2021) “Covid-19 and Asian Criminology: uncertainty, complexity, and the responsibility of AJOC amidst eventful times” Published in Asian Journal of Criminology. (SSCI)

# RESEARCH ACTIVITIES

## Prof. Rostam J. Neuwirth

- ◆ Neuwirth, Rostam J., “Is ‘Legal Fiction’ an Oxymoron? A Book Review of Kristin Y. Albrecht, *Fiktionen im Recht*. Baden-Baden: Nomos 2020; 326 pages. ISBN: 978-3-8487-7627-6” (2021) *Hedgehogs and Foxes*; available at: [https://hedgehogsandfoxes.org/index.php/2021/02/04/rostam-neuwirth-book-review-is-legal-fiction-an-oxymoron-a-book-review-of-kristin-y-albrecht-fiktionen-im-recht-nomos-2020-kyalbrecht-rostam\\_neuwirth-nomosverlag/](https://hedgehogsandfoxes.org/index.php/2021/02/04/rostam-neuwirth-book-review-is-legal-fiction-an-oxymoron-a-book-review-of-kristin-y-albrecht-fiktionen-im-recht-nomos-2020-kyalbrecht-rostam_neuwirth-nomosverlag/) [ISSN 2688-9250]

- ◆ Neuwirth, Rostam J. (2021). “China and the “Culture and Trade” Debate: A Holistic Approach” in Patricia M. Goff (ed.), *Trade and Culture: The Ongoing Debate*, 98-116. New York: Routledge. [ISBN 9780367639983]



## Prof. Vera Lúcia Carapeto Raposo

- ◆ Vera Lúcia Raposo, ‘The New Japanese Regulation on Human/Non-Human Chimeras: Should We Worry?’, *JBRA Assisted Reproduction*, 25, 2021, pp. 155-161. doi: 10.5935/1518-0557.20200045 (Scopus and Web of Science, Q2)

> *JBRA Assisted Reprod.* 2021 Feb 2;25(1):155-161. doi: 10.5935/1518-0557.20200045.

**The new Japanese regulation on human/non-human chimeras: should we worry?**

Vera Lúcia Raposo 1, 2

Affiliations + expand  
 PMID: 3318717 PMCID: PMC7963089 DOI: 10.5935/1518-0557.20200045

Free PMC article

**Abstract**

In March 2019 Japan modified its norms regarding research with human/non-human chimeras. The amended rules allow the creation of chimeras with human brain cells, and the subsequent transfer of the resulting creature to an uterus, where it can develop for more than 14 days, eventually until term. At this moment, the real consequences of this new regulation in actual research are still uncertain. However, many concerning issues have already been identified. This paper will start by addressing traditional topics involving this practice: the use of non-human animals in research, the use of human stem cells in scientific experimentation and the creation of human-non-human chimeras. Subsequently, it will analyze the new concerning issues brought on by the 2019 amendment: the use of human brain cells, the transfer of the chimera to an uterus and its development for more than 14 days, and the possibility of using animals which present close similarities with humans. In the end, the paper will conclude that in spite of the legal and ethical hazards that this new regulation might carry, it should be allowed under strict scrutiny.

**Keywords:** brain cells; chimeras; fundamental rights; human animals; human stem cells; non-human animals.

Fertilidade rima com idade? (enquadramento ético-legal da criopreservação de ovócitos como método de preservação da fertilidade feminina)

Resumo

No mundo moderno as mulheres têm acesso progressivamente e facilmente ao primeiro filho, evitando, assim, maiores possibilidades que a vida liberal das abrigos nos últimos tempos. No entanto, a exigência de estudos éticos e profissionais das mulheres não foi acompanhada por uma consequente evolução no desenvolvimento regulatório do corpo feminino. Por conseguinte, não é possível as mulheres decidirem que é importante ter filhos para engrandecer. Para superar as dificuldades que a biologia impõe à reprodução humana, as mulheres têm recorrido a diversos procedimentos reprodutivos, entre eles a criopreservação de ovócitos, que está em voga de presente estado. Embora a criopreservação de ovócitos apresente vários benefícios quando comparada em outros métodos capazes de impedir que as mulheres não tenham filhos, esta técnica ainda envolve preocupações médicas, legais e éticas. No ponto de vista médico, sempre se trata para a saúde da mulher e para a condição médica das crianças que serão nascidas. Entretanto, oportuno é que esse procedimento médico não passe de um capricho de reprodução e qualquer risco, relacionado ao bem-estar da fertilidade feminina, de uma perspectiva jurídica, apontam-se as questões ao uso de recursos escassos, os direitos das mulheres e o destino dos ovócitos criopreservados.

**Palavras-chave:**  
 Criopreservação de ovócitos  
 Direitos das mulheres  
 Direitos reprodutivos  
 Saúde reprodutiva  
 Procriação medicamente assistida

- ◆ Vera Lúcia Raposo, ‘Fertilidade Rima com Idade? (Enquadramento Ético-Legal da Criopreservação de Ovócitos como Método de Preservação da Fertilidade Feminina)’, *Direito e Desenvolvimento*, 11(2), pp. 245-263, 10.26843/direitoedesenvolvimento.v11i2.1331

- ◆ Roy G. Beran, Vera Lúcia Raposo & Yang Manman (2021) ‘Loss of Chance Across Different Jurisdictions (The Why and Wherefore)’, *Peking University Law Journal*, DOI: 10.1080/20517483.2020.1857116

Loss of chance across different jurisdictions (the why and wherefore)

Roy G. Beran, Vera Lúcia Raposo & Yang Manman

Download citation: <https://doi.org/10.1080/20517483.2020.1857116>

**ABSTRACT**

This article examines the ‘loss of chance doctrine’ with a comparative perspective, across three different jurisdictions: China (where the loss of chance doctrine is in its infancy); continental Europe (in which many countries have adopted loss of chance to solve medical malpractice cases) and Australia (where loss of chance has been excluded by the High Court and is no longer a valid defense for negligence where causation is otherwise difficult to prove). The article compares these three different approaches to establish a line of development, from initial acceptance, through its widespread application, to finish with its judicial rejection, which might be a prediction about the future of this doctrine.

**KEYWORDS:** loss of chance, medical liability, China, Europe, Australia

# RESEARCH ACTIVITIES

## Prof. Vera Lúcia Carapeto Raposo

I (Won't) See You in Court Alternative Dispute Resolution for Medical Liability Conflicts: Examples from Europe  
Vera Lúcia Raposo

European Review of Private Law  
Volume 28, Issue 6 (2020) pp. 1273 - 1294

Copy citation to clipboard Export citation to RIS

### Abstract

In many jurisdictions, courts and the related tort liability rules have failed to adequately address conflicts arising from healthcare delivery that has caused harm. The litigation model – the classic model used to deal with medical liability – must be, if not replaced, at least supplemented by another model, and alternative dispute resolution is best suited to this task. Because conflicts are resolved in a less adversarial environment than a courtroom and led by people with knowledge of both medicine and law, alternative dispute resolution promotes a congenial procedure, is faster and cheaper than traditional litigation and can provide more satisfactory outcomes for all parties. This paper reviews some of the failures of litigation as a means of resolving disputes related to medical liability and considers how alternative dispute resolution methods can address these failures, providing some examples from civil law jurisdictions in Europe.

- ◆ Vera Lúcia Raposo, 'I (Won't) See You in Court Alternative Dispute Resolution for Medical Liability Conflicts: Examples from Europe', (2020), 28, European Review of Private Law, Issue 6, pp. 1273-1294, <https://kluwerlawonline.com/journalarticle/European+Review+of+Private+Law/28.6/ERPL2020076> (Web of Science)

- ◆ Vera Lúcia Raposo, Que a Tecnologia Esteja Conosco Nestes Tempos de COVID-19 (Legitimidade da STAY-AWAY COVID no Ordenamento Jurídico Português), Revista do Ministério Público, 164, 2020, pp. 9-4

Que a tecnologia esteja conosco nestes tempos de COVID-19  
(Legitimidade da STAY-AWAY COVID no ordenamento jurídico português)

Vera Lúcia Raposo  
Professora Associada da Faculdade de Direito da Universidade de Macau  
Professora Auxiliar da Faculdade de Direito da Universidade de Coimbra

**SUMÁRIO:** I. CONTEXTUALIZAÇÃO DA STAY-AWAY COVID. II. AVALIAÇÃO DA SC NA PERSPECTIVA DA SAÚDE PÚBLICA. III. AVALIAÇÃO DA SC NA PERSPECTIVA DA PRIVACIDADE. 1. Proteção dos dados pessoais. 1.1. A SC e o tratamento de dados pessoais. 1.2. Regras a cumprir pela SC no âmbito do RGPD. 1.3. Regras a cumprir no âmbito da Diretiva relativa à privacidade e às comunicações eletrónicas. 1.4. As condições de privacidade na SC. 2. Proteção da vida privada. IV. AVALIAÇÃO DA SC NA PERSPECTIVA DA OUTROS DIREITOS E LIBERDADES INDIVIDUAIS. V. SC E LIMITAÇÕES DOS DIREITOS. 1. A saúde pública como fundamento à restrição de direitos. 2. Necessidade, proporcionalidade e adequação na restrição de direitos. 3. A questão da obrigatoriedade. 3.1. Punições relativamente à questão da obrigatoriedade. 3.2. O futuro da SC em termos de voluntariedade. 3.3. A fiscalização do cumprimento da obrigatoriedade. 3.4. Voluntariedade e eficácia. 3.5. Opções e opções. VI. Em defesa da SC e do RGPD em geral. 1. A SC como forma de proteção da saúde pública. 2. A SC como forma de proteção de direitos e liberdades individuais. 3. A SC não afecta o núcleo duro da privacidade. VII. NOTAS FINAIS.

Quarantines: Between Precaution and Necessity. A Look at COVID-19

Vera Lúcia Raposo

Public Health Ethics, phaa037, <https://doi.org/10.1093/phe/phaa037>  
Published: 25 January 2021

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### Abstract

The events surrounding COVID-19, combined with the mandatory quarantines widely imposed in Asia and Europe since the virus outbreak, have reignited discussion of the balance between individual rights and liberties and public health during epidemics and pandemics. This article analyses this issue from the perspectives of precaution and necessity. There is a difficult relationship between these two seemingly opposite principles, both of which are frequently invoked in this domain. Although the precautionary principle (PP) encourages the use of quarantines, including mandatory quarantines, and associated restrictive measures, the principle of necessity (PN) puts a break on such measures. The COVID-19 pandemic reveals once again the different interrelations between these two principles. However, the alleged conflict between the PN and the PP is based on a superficial analysis. The relation between these two principles is far more complex, as this article will demonstrate.

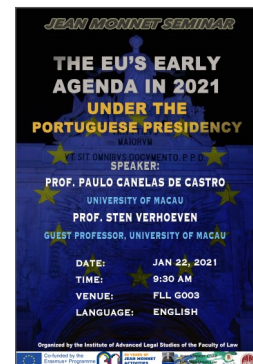
- ◆ Vera Lúcia Raposo, 'Quarantines: Between Precaution and Necessity. A Look at COVID-19', Public Health Ethics, 2021; phaa037, <https://doi.org/10.1093/phe/phaa037> (Scopus and Web of Science-SSCI; Q2)

# ACADEMIC ACTIVITIES

## Institute for Advanced Legal Studies (IALS)

### Jean Monnet Seminar

- ◆ EU's early agenda in 2021 under the Portuguese presidency
- ◇ Speaker: Prof. Paulo Canelas De Castro, Prof. Sten Verhoeven
- ◇ Date: Jan 22, 2021



# ACADEMIC ACTIVITIES

## Institute for Advanced Legal Studies (IALS)

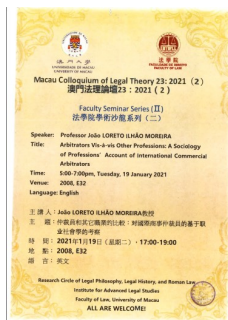
### Jean Monnet Seminar

- ◆ China-EU comprehensive agreement on investment: preliminary thoughts
- ◇ Speaker: Prof. Paulo Canelas De Castro, Prof. Sten Verhoeven
- ◇ Date: Jan 25, 2021



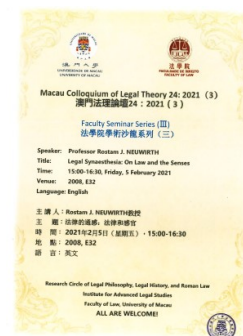
### Macau Colloquium of Legal Theory - Faculty Seminar Series

- ◆ Research and Commercialization of Synthetic Biotechnology: Opportunities and Legal Challenges
- ◇ Speaker: Prof. Li Du
- ◇ Date: Jan 15, 2021



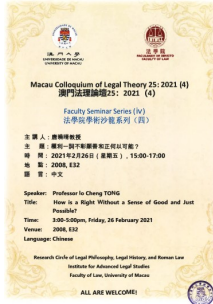
- ◆ Arbitrators Vis-à-vis Other Professions: A Sociology of Professions' Account of International Commercial Arbitrators
- ◇ Speaker: Prof. João Loreto Ilhão Moreira
- ◇ Date: Jan 19, 2021

- ◆ Legal Synaesthesia: On Law and the Senses
- ◇ Speaker: Prof. Rostam J. Neuwirth
- ◇ Date: Feb 5, 2021



# ACADEMIC ACTIVITIES

## Institute for Advanced Legal Studies (IALS)



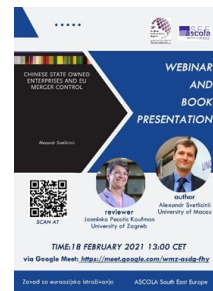
- ◆ How is a Right Without a Sense of Good and Just Possible?
- ◇ Speaker: Prof. Io Cheng Tong
- ◇ Date: Feb 26, 2021

## Prof. Alexandr Svetlicinii



- ◆ Jan 26, 2021
- ◇ presentation “How is COVID-19 Changing Competition Law?” at the seminar organized by Institute of European Studies of Macau, hosted by Rui Cunha Foundation, Macao SAR (China)

- ◆ Feb 18, 2021
- ◇ book presentation “Chinese State Owned Enterprises and EU Merger Control” at the webinar organized by the Institute for Euro-Asian Studies, University of Zagreb (Croatia)



- ◆ Feb 25, 2021
- ◇ book presentation “Chinese State Owned Enterprises and EU Merger Control” at the seminar organized by Institute of European Studies of Macau, hosted by Rui Cunha Foundation, Macao SAR (China)



## ACADEMIC ACTIVITIES

### Mr. Iong Man Teng

- ◆ Jan 9, 2021
- ◇ Man Teng IONG participated, as a speaker, in the “The 2nd Council of the Mainland, Hong Kong and Macao Legal Education Alliance in 2020 and the Conference on the Training of Foreign-related Legal Talents”, under a topic entitled “How the alliance member colleges participate in the national foreign-related legal personnel training”.

### Prof. Rostam J. Neuwirth

- ◆ Jan 20, 2021
- ◇ Participated in an online workshop on “Standards of Food Labels and Pandemics” organized by Dr. Danny Friedmann (Peking University – School of Transnational Law) together with Prof. Francis Snyder and Prof. Kai Purnhagen.
- ◆ Feb 2, 2021
- ◇ Presented a paper on “Research between Intra- and Interdisciplinarity” and participated in a panel discussion in the University of Macau’s Forum for Good Practices in PhD Student Supervision 2021, University of Macau.
- ◆ Feb 9, 2021
- ◇ Paper presentation (“Law in the Time of Oxymora”) at the meeting of the Sub-Cluster on New Opportunities at the Intersection of Humanities and Sciences (IHUS) organized by the Institute of Advanced Studies (IAS) of the University of Macau.

### Prof. Vera Lúcia Carapeto Raposo



- ◆ Jan 8, 2021
- ◇ International Medical Congress, Turkey (on line congress). Presentation: ‘Peekaboo, where are you? Brief considerations on digital contact tracing and citizen surveillance’.

## OTHER ACTIVITIES

### Prof. Vera Lúcia Carapeto Raposo

◆ Jan 2, 2021

- ◇ ‘Covid-19: interview to Macau Business: ‘Scholar casts doubts over restrictions of rights’, Macao Business’, <https://www.macaubusiness.com/covid-19-scholar-casts-doubts-on-restrictions-of-rights/?fbclid=IwAR25VGL4y35JkZxvqdHRJ7I60oeGs1ga5s-OkOKVcilBBV5vgYty77B-m0Y>

#### Covid-19: Scholar casts doubts over restrictions of rights

By João Paulo Meneses



The exclusive predominance of public health could lead to the perversion of the rule of law, warns local law professor Vera Lúcia Raposo.

Last May, two researchers from the University of Macau (UM) published an article analysing the struggle against the COVID-19 pandemic in Macau and concluded that the city had won that struggle, in spite of some legal doubts.

More than half a year later, one of the authors, UM Faculty of Law Associate Professor Vera Lúcia Raposo, acknowledges to Macau Business magazine's January edition that "my perception of how Macau is dealing with the pandemic at the moment is not as positive as it was when I wrote the article".

◆ Jan 22, 2021

- ◇ 22 January 2021 – interview to TDM: ‘Saúde e Direitos: O Equilíbrio na Balança’, [https://port.tdm.com.mo/c\\_radio/play\\_audio.php?ref=14011](https://port.tdm.com.mo/c_radio/play_audio.php?ref=14011)

#### Interview to TDM: ‘Saúde e Direitos: O Equilíbrio na Balança

Data:  
Sexta, Janeiro 22, 2021

Idioma Indefinido

[Ouvir entrevista](#)

Dra Vera Lucia Raposo.

- ◆ Journal of Multidisciplinary Healthcare (PubMed and PubMed Central, Science Citation Index Expanded (also known as SciSearch®, Journal Citation Reports/ Science Edition, Current Contents®/Clinical Medicine, Embase, from 2011 (Correct as at December 8, 2016), Scopus, Directory of Open Access Journals (DOAJ), OAIster - The Open Access Initiative). Q1 journal in Medicine.
- ◆ Expert Review of Gastroenterology & Hepatology. Expert Review of Gastroenterology & Hepatology is included in the following abstracting and indexing services: Chemical Abstracts; Current Contents®/Clinical Medicine; EMBASE/ Excerpta Medica; EMCare; Journal Citation Reports/Science Edition®; MEDLINE/Index Medicus; Science Citation Index Expanded™ (SciSearch®); Scopus.2018 Impact Factor: 2.991 Ranking: 46/84 Gastroenterology & Hepatology.



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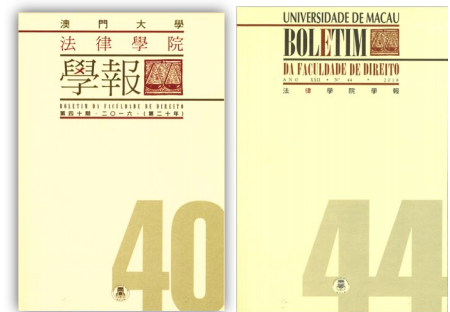
法學院新聞簡報（雙月刊）—（1-2月, 2021）  
FACULDADE DE DIREITO BOLETIM BI-MESTRAL  
FACULTY OF LAW BI-MONTHLY NEWSLETTER  
ISSUE 54( January/February 2021)

出版刊物

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- ◆ 法律研究中心出版了第 40 期中文版本
- ◆ 法律研究中心出版了第 44 期葡文版本



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  - ◇ 作者：若昂·德·馬圖斯·安圖內斯·瓦雷拉
  - ◇ 譯者：唐曉晴
  - ◇ 出版社：社會科學文獻出版社
- ◆ 債法總論（第二卷）
  - ◇ 作者：若昂·德·馬圖斯·安圖內斯·瓦雷拉
  - ◇ 譯者：馬哲、陳淦添、吳奇琦、唐曉晴
  - ◇ 出版社：社會科學文獻出版社

## 出版刊物

### 吳奇琦 教授

- ◆ 唐曉晴、蘇建峰、吳奇琦編著：《民法一般論題與澳門民法典總則》，下冊，北京：社會科學文獻出版社、澳門：澳門基金會出版，2020
- ◆ (葡) 安圖內斯·瓦雷拉著，馬哲、陳淦添、吳奇琦、唐曉晴譯：《債法總論》，第二卷，北京：社會科學文獻出版社、澳門：澳門大學，2020，共 403 頁



## 研究活動

### Alexandr Svetlicinii 教授

- ◆ “COVID-19 期間的經濟民族主義：歐盟的合並控制準備就緒了嗎？” (2021) 歐洲競爭法評論 42 (2) : 69-74 , ISSN : 0144-3054
- ◆ “(國際) 法律劃分的文化遺產：北馬其頓一案” (2021 年) , 國際法律符號學雜誌, 1-21 , DOI : 10.1007 / s11196-021-09832-y, ISSN : 1572-8722
- ◆ 競爭法律和政策領域 “金磚” 合作：國際反壟斷的新呼聲, 金磚國家法律研究 (總第 3 卷·2019 年), 法律出版社, 161-167, ISBN: 9787519750213
- ◆ “中國在歐盟進行國有投資的 ‘三座大山’ ” , 《歐洲競爭與管制法評論》官方博客 (2021 年 2 月 18 日) <https://www.lexxion.eu/en/coreblogpost/three-great-mountains-for-the-chinese-state-owned-investments-in-the-european-union/>
- ◆ “中國將通過反托拉斯法懲戒在綫平臺?” , Kluwer 競爭法博客 (2021 年 2 月 17 日) , <http://competitionlawblog.kluwercompetitionlaw.com/2021/02/17/china-to-discipline-online-platforms-with-antitrust-enforcement/>



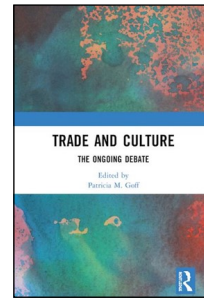
### 劉建宏 教授

- ◆ 劉建宏, 張燕, 汪曉翔 “Covid-19 和亞洲犯罪學：多事時代中的不確定性, 複雜性和 AJOC 的責任” , 亞洲犯罪學雜誌 , 2021 (SSCI)

# 研究活動

## Rostam J. Neuwirth 教授

- ◆ Neuwirth, Rostam J., “法律小說是矛盾論證嗎? Kristin Y. Albrecht Fiktionen im Recht 的書評 . Baden-Baden: Nomos 2020; 326 頁. ISBN: 978-3-8487-7627-6” (2021) 刺蝟和狐狸: [https://hedgehogsandfoxes.org/index.php/2021/02/04/rostam-neuwirth-book-review-is-legal-fiction-an-oxymoron-a-book-review-of-kristin-y-albrecht-fiktionen-im-recht-nomos-2020-kyalbrecht-rostam-neuwirth-nomosverlag/\[ISSN 2688-9250\]](https://hedgehogsandfoxes.org/index.php/2021/02/04/rostam-neuwirth-book-review-is-legal-fiction-an-oxymoron-a-book-review-of-kristin-y-albrecht-fiktionen-im-recht-nomos-2020-kyalbrecht-rostam-neuwirth-nomosverlag/[ISSN 2688-9250])
- ◆ Neuwirth, Rostam J. (2021). “中國和 ‘文化與貿易’ 辯論: 一種整體的方法”, Patricia M. Goff (ed.), 貿易與文化: 正在進行的辯論, 第 98-116 頁。紐約: Routledge. [ISBN 9780367639983]



## Vera Lúcia Carapeto Raposo 教授

- ◆ Vera Lúcia Raposo, “關於人類/非人類嵌合體的新日本法規: 我們應該擔心嗎?”, 《JBRA 輔助生殖》2021 年第 25 期, 第 155-161 頁。doi:10.5935/1518-0557.20200045 (Scopus and Web of Science, Q2)



- ◆ Vera Lúcia Raposo, “隨著年齡增長的韻律? (卵細胞冷凍保存的法律框架, 作為一種保存女性生育力的方法), 法律與發展, 第 11 卷第 2 期, 第 245-263 頁, 10.26843/direitoedesenvolvimento.v11i2.1331

- ◆ Roy G. Beran, Vera Lúcia Raposo & Yang Manman (2021) “不同司法管轄區的機會喪失, (爲什麼如此)” 北京大學法律雜誌, DOI: 10.1080/20517483.2020.1857116



## 研究活動

### Prof. Vera Lúcia Carapeto Raposo

1 (Won't) See You in Court Alternative Dispute Resolution for Medical Liability Conflicts: Examples from Europe  
Vera Lúcia Raposo

European Review of Private Law  
Volume 28, Issue 6 (2020) pp. 1273 - 1294

Copy citation to clipboard Export citation to RIS

#### Abstract

In many jurisdictions, courts and the related tort liability rules have failed to adequately address conflicts arising from healthcare delivery that has caused harm. The litigation model – the classic model used to deal with medical liability – must be, if not replaced, at least supplemented by another model, and alternative dispute resolution is best suited to this task. Because conflicts are resolved in a less adversarial environment than a courtroom and led by people with knowledge of both medicine and law, alternative dispute resolution promotes a congenial procedure, is faster and cheaper than traditional litigation and can provide more satisfactory outcomes for all parties. This paper reviews some of the failures of litigation as a means of resolving disputes related to medical liability and considers how alternative dispute resolution methods can address these failures, providing some examples from civil law jurisdictions in Europe.

- ◆ Vera Lúcia Raposo, 在法院針對醫療責任衝突的替代性解決方案中我（不會）見到你：歐洲的例子”，（2020年），第28頁，《歐洲司法評論》，第6期，第1273-1294頁。<https://kluwerlawonline.com/journalarticle/European+Review+of+Private+Law/28.6/ERPL2020076> (Web of Science)

- ◆ Vera Lúcia Raposo, 可能在 COVID-19 (葡萄牙法律體系中 STAYAWAY COVID 的合法性) 時代出現的技術，《Revista do Ministério Público》，164, 2020, pp. 9-4

Que a tecnologia esteja conosco nestes tempos de COVID-19  
(Legitimidade da STAYAWAY COVID no ordenamento jurídico português)

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Professora Auxiliar da Faculdade de Direito da Universidade de Coimbra

<sup>1</sup> A autora quer agradecer ao editor Dr. Carlos Gonçalves Lobo (Jus Communi) e ao Tribunal do Relato de Beira, presidente do Conselho de Registo Administrativo Regional de Beira, e ao Dr. Vítor Basso Dias (coordenador da comissão de dados do INSDC/TEC) de 2019/2020 pela sua valiosa contribuição ao presente trabalho.

SUMÁRIO: I. CONTEXTUALIZAÇÃO DA STAYAWAY COVID. II. AVALIAÇÃO DA SC NA PERSPECTIVA DA SAÚDE PÚBLICA. III. FUNDAMENTAÇÃO DA SC NA PERSPECTIVA DA PRIVACIDADE. 1. Proteção dos dados pessoais. 1.1. A SC e o tratamento de dados pessoais. 1.2. Regras a cumprir pela SC no âmbito do RGPD. 1.3. Regras a cumprir no âmbito da Diretiva relativa à privacidade e às comunicações eletrónicas. 1.4. A garantia de privacidade na SC. 2. Proteção da vida privada. IV. AVALIAÇÃO DA SC NA PERSPECTIVA DE OUTROS DIREITOS E LIBERDADES INDIVIDUAIS. V. SC E LIMITAÇÕES DOS DIREITOS. 1. A saúde pública como fundamento à restrição de direitos. 2. Necessidade, proporcionalidade e adequação na restrição de direitos. 3. O quadro da obrigatoriedade. 3.1. Posições relativamente à questão da obrigatoriedade. 3.2. Os fatores da SC em termos de voluntariedade. 3.3. A fiscalização do cumprimento da obrigatoriedade. 3.4. Voluntariedade e eficácia. 3.5. O que se opõe. VI. Efeitos da SC e do RDC em geral. 1. A SC como forma de proteção da saúde pública. 2. A SC como forma de proteção de direitos e liberdades individuais. 3. A SC, não afeta o núcleo duro da privacidade. VII. Notas finais.

Quarantines: Between Precaution and Necessity. A Look at COVID-19

Vera Lúcia Raposo

Public Health Ethics, phaa037, <https://doi.org/10.1093/phe/phaa037>

Published: 25 January 2021

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#### Abstract

The events surrounding COVID-19, combined with the mandatory quarantines widely imposed in Asia and Europe since the virus outbreak, have reignited discussion of the balance between individual rights and liberties and public health during epidemics and pandemics. This article analyses this issue from the perspectives of precaution and necessity. There is a difficult relationship between these two seemingly opposite principles, both of which are frequently invoked in this domain. Although the precautionary principle (PP) encourages the use of quarantines, including mandatory quarantines, and associated restrictive measures, the principle of necessity (PN) puts a break on such measures. The COVID-19 pandemic reveals once again the different interrelations between these two principles. However, the alleged conflict between the PN and the PP is based on a superficial analysis. The relation between these two principles is far more complex, as this article will demonstrate.

- ◆ Vera Lúcia Raposo, 隔離區：在預防與必要之間，觀察 COVID-19。《公共健康倫理》，2021年，phaa037, <https://doi.org/10.1093/phe/phaa037> (Scopus and Web of Science-SSCI; Q2)

## 學術活動

### 高級法律研究所

#### Jean Monnet 研討會

- ◆ 2021年在葡萄牙擔任主席期間歐盟的初議程
- ◇ 演講者: Paulo Canelas De Castro, Sten Idris Verhoeven 教授
- ◇ 日期: 2021年1月22日



# 學術活動

## 高級法律研究所

### Jean Monnet 研討會

- ◆ 中歐全面投資協定：初步思路
- ◇ 演講者： Paulo Canelas De Castro, Sten Idris Verhoeven 教授
- ◇ 日期: 2021 年 1 月 25 日



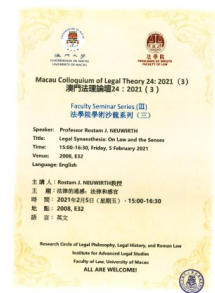
### 澳門法律理論座談會-教師研討會系列

- ◆ 合成生物技術的研究和商業化：機遇和法律挑戰
- ◇ 演講者： 杜立教授
- ◇ 日期: 2021 年 1 月 15 日



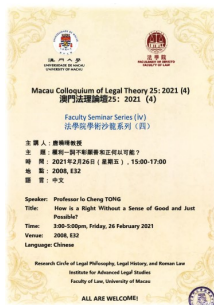
- ◆ 仲裁員和其他職業的比較：對國際商事仲裁員的基於職業社會學的考察
- ◇ 演講者： João Loreto Ilhão Moreira 教授
- ◇ 日期: 2021 年 1 月 19 日

- ◆ 法律的通感：法律和感官
- ◇ 演講者： Rostam J. Neuwirth 教授
- ◇ 日期: 2021 年 2 月 5 日



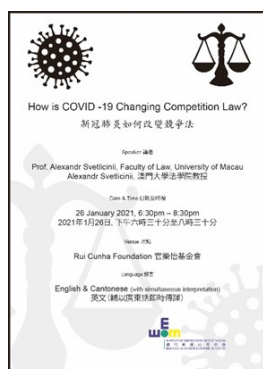
# 學術活動

## 高級法律研究所



- ◆ 權利一詞不彰顯善和正何以可能?
- ◇ 演講者：唐曉晴教授
- ◇ 日期：2021年2月26日

## Alexandr Svetlicinii 教授

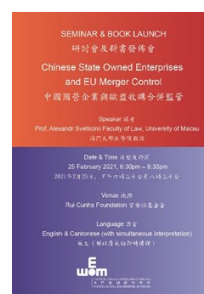


- ◆ 2021年1月26日
- ◇ 在中國澳門特別行政區官樂怡基金會主辦的澳門歐洲研究所舉辦的研討會上發表“COVID-19 如何改變競爭法？”的演講

- ◆ 2021年2月18日
- ◇ 在克羅埃西亞札格雷布大學歐亞研究所舉辦的網路研討會上作了題為“中國國有企業與歐盟並購控制”的書籍介紹



- ◆ 2021年2月25日
- ◇ 在中國澳門特別行政區官樂怡基金會主辦的澳門歐洲研究所舉辦的研討會上，作了題為“中國國有企業與歐盟並購控制”的書籍介紹



## 學術活動

### 翁文挺先生

- ◆ 2021年1月9日
- ◇ 翁文挺，以演講者身份，參與『內地與港澳法學教育聯盟 2020年第二屆理事會暨涉外法律人才培養研討會』，主題為『聯盟成員院校如何參與國家涉外法律人才培養』

### Rostam J. Neuwirth 教授

- ◆ 2021年1月20日
- ◇ 參加了由北京大學跨國法學院的 Danny Friedmann 博士、Francis Snyder 教授和 Kai Purnhagen 教授共同組織的有關“食品標籤和流行病標準”的線上研討會。
- ◆ 2021年2月2日
- ◇ 發表有關“學科間和學科間研究”的論文，並參加了澳門大學 2021 年博士研究生監督的良好做法論壇中的小組討論。
- ◆ 2021年2月9日
- ◇ 在澳門大學高級法律研究所組織的人文與科學交叉點的新機遇小組會議上演講論文“Oxymora 時代的法律”。

### Vera Lúcia Carapeto Raposo 教授



- ◆ 2021年1月8日
- ◇ 在土耳其國際醫學大會(線上)上演講：“躲貓貓，你在哪裡？關於數位連絡人跟蹤和公民監視的簡要考慮”。

## 其他活動

### Vera Lúcia Carapeto Raposo 教授

- ◆ 2021 年 1 月 2 日
- ◇ “Covid-19：對澳門商業的採訪：‘學者對權利限制表示懷疑’，澳門商業”，<https://www.macaubusiness.com/covid-19-scholar-casts-doubts-on-restrictions-of-rights/?fbclid=IwAR25VGL4y35JkZxvqdHRJ7I60oeGs1ga5s-OkOKVcilBBV5vgYty77B-m0Y>

#### Covid-19: Scholar casts doubts over restrictions of rights

By João Paulo Meneses



The exclusive predominance of public health could lead to the perversion of the rule of law, warns local law professor Vera Lúcia Raposo.

Last May, two researchers from the University of Macau (UM) published an article analysing the struggle against the COVID-19 pandemic in Macau and concluded that the city had won that struggle, in spite of some legal doubts.

More than half a year later, one of the authors, UM Faculty of Law Associate Professor Vera Lúcia Raposo, acknowledges to Macau Business magazine's January edition that "my perception of how Macau is dealing with the pandemic at the moment is not as positive as it was when I wrote the article."

- ◆ 2021 年 1 月 22 日
- ◇ 澳門電台的採訪：‘Saúde e Direitos: O Equilíbrio na Balança’，[https://port.tdm.com.mo/c\\_radio/play\\_audio.php?ref=14011](https://port.tdm.com.mo/c_radio/play_audio.php?ref=14011)

#### Interview to TDM: ‘Saúde e Direitos: O Equilíbrio na Balança’

Data:

Sexta, Janeiro 22, 2021

Idioma Indefinido

[Ouvir entrevista](#)

Dra Vera Lucia Raposo.

- ◆ 多學科醫療保健雜誌 (PubMed and PubMed Central, 科學引文索引拓展 (也稱為 SciSearch®, 期刊引文報告/科學版, 當前內容®/臨床醫學, Embase, 從 2011 年起(截至 2016 年 12 月 8 日更正), Scopus, 開放獲取期刊目錄 (DOAJ), OALster - 開放存取倡議). Q1 醫學雜誌。
- ◆ 胃腸病學和肝病學專家評論。以下摘要和索引服務包括胃腸病學和肝病學專家評論: 化學摘要; 當前內容®/臨床醫學; EMBASE/摘錄; EMCare; 期刊引文報告/科學版®; MEDLINE/醫學索引; 科學引文索引拓展™ (SciSearch®); Scopus. 2018 影響因子: 2.991 排名: 46/84 胃腸病學和肝病學。



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