

**Minutes of the SCLA Global Meet 31st January 2020:
One Belt One Road and New Opportunities**

2020年1月31日瑞中法律协会第一期全球会员沙龙备忘

一带一路与新机遇

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Speakers:

演讲嘉宾:

1. Mr. Tianze Zhang, Swiss Chinese Law Association
张天泽，瑞中法律协会
2. Ms. Laura Devin, Swiss Chinese Law Association
琳德雯，瑞中法律协会
3. Ms. Yue Huang, Swiss Chinese Law Association
黄越，瑞中法律协会
4. Mr. Gary Gao, Partner at Beijing Zhong Lun Law Firm
高俊，北京中伦律师事务所合伙人
5. Mr. Kolja Roman Targan, Professor at University of Science and Technology of China
科里亚·塔根，中国科技大学教授
6. Mr. Jacques Bonvin, Partner at Tavernier Tschanz
雅克·邦文, Tavernier Tschanz 合伙人
7. Mr. Naiquan Zheng, Partner at Zhuowei Law Firm
郑乃全,卓纬律师事务所合伙人
8. Mr. Bo Yi, Associate Professor of Law at the Southeast University in China
易波，中国东南大学法学院副教授

Chairperson:

会议主持人

Mr. Tianze Zhang

张天泽理事

Date: 31st January 2020

时间: 2020年1月31日

Time: CET 1300 - 1510

时间：欧洲中部时间 13.00-15.00

Agenda items

1. Introduction of the Swiss Chinese Law Association (by Committee Members of SCLA: Mr. Tianze Zhang, Ms. Laura Devin and Ms. Yue Huang)

瑞中法律协会简介(瑞中法律协会理视会成员张天泽先生、琳德雯女士和黄越女士)

➤ Mr. Tianze Zhang

张天泽理事

- Mr. Zhang introduced the background of the Swiss Chinese Law Association (SCLA) to all attendants. One of the objectives of the SCLA is to promote a global platform, a global vision and a global voice for Chinese lawyers. In order to enhance the communication and exchange of ideas, Mr. Zhang invited attendants to join SCLA's WeChat Group by scanning the QR codes or sending an email to the SCLA.
- 张先生向所有与会者介绍了瑞士中国法律协会(SCLA)的背景。SCLA的目标之一是为中瑞律师的全球社区，全球视野和全球声音。为了增进未来的沟通与交流，张先生邀请与会者通过扫描二维码或向瑞中法协发送电子邮件来加入瑞中法协的微信小组。
- Mr. Zhang set the scene for the subsequent presentations as follows:
张天泽为随后的演讲做了简要介绍：
 1. The compliance & regulatory issues may be encountered when Chinese enterprises go out to One Belt One Road countries and areas (by Gary Gao)
中国企业走向一带一路国家和地区可能会遇到的合规性问题(高俊)
 2. One Belt One Road and Corporate Social Responsibility (by Kolja Roman Targan)
一带一路与企业社会责任(科里亚·塔根)
 3. M&A by Chinese Parties in Switzerland: Deal Challenges and Legal Advices (by Jacques Bonvin)
中方在瑞士的并购：交易挑战和法律咨询(雅克·邦文)
 4. One Belt One Road and Financial Derivatives and Legal Services (by Naiquan Zheng)
一带一路与金融衍生工具和法律服务(郑乃全)
 5. The Cultivation of China's Foreign-related lawyers under the Background of Belt and Road Initiative – A case study of Jiangsu Province (by Bo Yi)
一带一路"倡议背景下中国涉外律师的培养-以江苏省为例(易波)

- He also provided the updates of the Coronavirus around the globe where all people are desperate to fight against the epidemics. Amid the threat of infection, this could bring China and global communities together to work with each other to counter the novel virus.
张天泽介绍了新冠病毒的动态，特别在中国，大家都在努力同病毒抗争。在目前疫情威胁的情况下，中国和全球的社区将相互合作，共同战胜新型病毒。
- The SCLA currently has members from 70 countries across different sectors such as legal firms, international organizations and private companies etc.
瑞中法律协会由来自超过 4 个国家的不同行业代表的会员组成，包括律所、国际组织以及私营部门组成。
- With such an international platform, the SCLA will strive to advocate a more transparent legal market with more consistent standards.
瑞中法律协会也致力于倡导和建立更加透明和高标准的法律市场和法律服务体系。
- Finally, he welcomed all attendants to join the SCLA's discussion group.
最后张天泽欢迎所有与会者加入瑞中法协的讨论组。
- **Ms. Laura Devin**
琳德雯理事
 - Ms. Devin is one of committee members of the SCLA. One of her roles is to facilitate the communication and interaction between China and Switzerland.琳德雯女士是瑞中法律协会的理事会成员之一，她的职责是促进中瑞之间的交流和沟通。
 - Ms. Devin stated that she is now working to keep the meetings in the form of business between China and Switzerland. In the coming year, she will lead the legal Swiss delegation to China to enhance the mutual exchanges and communications between two countries.
琳德雯女士表示，她现在正在通过会议等形式促进瑞士和中国的友好交流，她希望今年可以率领瑞士的代表团访华，以增进两国之间的相互交流与沟通。
 - She also briefly introduced the committee members of the SCLA and mentioned that SCLA will have monthly meetings on a specific subject in the future.
琳德雯女士还接好了瑞中法律协会理事会成员，并希望瑞中法律协会可以每个月就特定主题召开一此全球会议。
- **Ms. Yue Huang**
黄越理事

- Ms. Huang introduced herself. At present, she serves a committee member of the SCLA. She is working in the IATA. Besides, she is a lawyer specialized in environmental law.
黄越女士是瑞中法律协会理事会成员，目前正在国际民航组织工作，此外，她也是从事航空法领域的律师，
- Ms. Huang expressed his view on the functions of the SCLA and one of which is to bring the national issues up to international platform such as in the form of a treaty convention.
黄越女士对瑞中法律协会的期望。她希望瑞中法律协会能够将国家面临的问题带入国际平台，例如让律师参与到国际规则和条约的制定工作中来。
- She also stressed that, with regard to the prevailing Coronavirus, it has come to a critical moment due to its transmission without boundaries. The World Health Organization has declared the Coronavirus as a global health emergency where China and all states should enhance their mutual communications.
她还强调，由于流行的冠状病毒传播不受限制，目前全球已经到了共同合作的关键时刻。世界卫生组织已宣布冠状病毒为全球性紧急卫生事件，中国与所有国家应加强相互交流。

2. The compliance & regulatory issues may be encountered when Chinese enterprises go out to One Belt One Road countries and areas (by Gary Gao)

中国企业走向一带一路国家和地区可能会遇到的合规性问题（高俊）

- Mr. Gao delivered a presentation with a focus on the compliance and regulatory issues relating to One Belt One Road (“OBOR”). To understand this topic, he brought the audiences to go through the history of the OBOR.
高律师的演讲重点介绍了“一带一路”的合规性和监管问题。为了更好地理解这一主题，他首先回顾了一带一路的历史。
- The OBOR is a government-driven project where understanding its history could facilitate people to know more about the extent of the impact of political elements on businesses.
“一带一路”是一个政府驱动的项目，通过了解其历史可以使人们更加了解政治因素对企业的影响程度。
 1. Mr. Gao stated that President Xi unveiled the OBOR initiative in September 2013 during his visit to Kazakhstan. There are five links of the economic belt, namely policy coordination, infrastructure development/ facility connectivity, investment and trade facilitation, financial integration and cultural and social exchange/ people-to-people connectivity.

习近平主席于 2013 年 9 月访问哈萨克斯坦时宣布了“一带一路”倡议。构建“丝绸之路经济带”须加强“五通”，即政策沟通、设施联通、贸易畅通、资金融通和民心相通。

2. In the same year, he visited Indonesia to announced the strategy to build the Silk Road Economic Belt (or called the 21st Century Maritime Silk Road)
同年，他访问印度尼西亚，宣布了 21 世纪海上丝绸之路的建设倡议。
 3. In 2014, the central financial and economic leading groups started to implement various projects of the OBOR.
2014 年，中央财经领导小组开始实施“一带一路”各项工作。
 4. China proposed the Asian Infrastructure Investment Bank in 2013 and the ceremony of establishment was held in Beijing in October 2014.
中国于 2013 年成立了亚洲基础设施投资银行，成立仪式于 2014 年 10 月在北京举行。
- In 2015, the National Development and Reform Commission (NDRC), the Ministry of Foreign Affairs (MOFA) and the Ministry of Commerce (MOFCOM) of the PRC, with the authorization of the State Council, issued the official outline and blueprint for the OBOR.
2015 年，经国务院批准，国家发展改革委，外交部和商务部发布了一带一路的正式大纲和蓝图。
 - Mr. Gao also showed different figures pointing to a single fact of a significant amount of investments undertaken in the OBOR states in 2019. For instances, China signed various cooperation agreements with up to 132 countries in which 90 memoranda of understanding had been executed.
高律师通过数字来说明 2019 年“一带一路”的沿线国家获得大量投资。例如，中国与多达 132 个国家签署了各种合作协议，其中已有 90 项谅解备忘录开始执行。
 - The OBOR merger and acquisitions accounted for 56.5% of the global M&A projects.
“一带一路”并购占全球并购项目的 56.5%。
 - The OBOR investments however have downsides in term of corruptions and briberies found in many large infrastructure projects.
但是，“一带一路”的许多大型基础设施项目中，仍存在腐败和贿赂行为。
 - The OBOR initiative has gradually changed the traditional relationship between China and other countries.
“一带一路”倡议逐步改变了中国与其他国家的传统关系。
 - Legal risk is one of the grave concerns to Chinese enterprises making their investments in the host countries and, therefore, a stable legal environment is vitally

important to foreign direct investments of the home states.

法律风险是中国企业在东道国投资的严重问题之一，因此，稳定的法律环境对母国的对外直接投资至关重要。

- Culture conflict is another risk that cannot be ignored.
文化冲突是另一个不可忽视的风险。
- In respect of operation of enterprises, Chinese enterprises are very concerned about the labor risk whereby disputes with local labor forces arises thanks to the immense requirements of local people with regard to their tremendous amount of human right protections that always put Chinese enterprises in a dilemma.
在企业经营方面，中国企业非常关注劳工风险。随着越来越多当地人受雇佣，劳动纠纷增多，当地人民对人权保护的要求有时过于苛刻，使中国企业陷入困境。
- A well-developed OBOR legal environment is prerequisite to the OBOR development and, therefore, measures should include:
完善的一带一路法律环境是发展一带一路的前提，因此，措施应包括：
 1. The PRC government and the OBOR states should work out together to ensure a sound legal system in favor of Chinese foreign direct investments.
中国政府和“一带一路”沿线国家应共同努力，确保建立健全有利于中国对外直接投资的法律体系。
 2. The host states should ensure a fair and reasonable competition for national and foreign undertakings in all respects.
东道国应在所有方面确保对本国和外国企业进行公平合理的竞争。
 3. The concerned parties should optimize the process of resolution of disputes. For instance, they may promote arbitration and mediation in a wider application.
有关各方应优化争端解决的程序。例如，它们可以在更广泛的实践中使用仲裁和调解。
- In the Q&A session, Mr. Zhang asked whether there would be any recommended legal solution addressing the political risk? Mr. Gao responded that international treaty arbitration may be adopted to address such a political risk.
在问答环节中，张天泽理事向高律师就针对政治风险的法律解决方案提问。高先生回答可以通过国际条约仲裁来解决政治风险。

3. One Belt One Road and Corporate Social Responsibility (by Kolja Roman Targan)

一带一路与企业社会责任（科里亚·塔根）

- Mr. Targan is a lawyer in tax law.
塔根律师是税法律师。

- He quoted the chancellor of Germany as saying that it is important for states to work together. In the context of Africa, the countries therein are not only social recipients but also important partners.
他援引德国总理的话说，各国共同努力很重要。例如非洲，非洲国家不单单只是受助者，也是重要的合作伙伴。
- Mr. Targan turned to his second subject pertaining to the uniform policy with China. He emphasized that China is a good partner in many respects such as trading and investment. In the forthcoming summit 2020, one of the themes is to surround how to take a uniform position with China from the positive perspective. There are three main issues, namely 1) investment agreements with China, 2) cooperation between Africa and China 3) corporate social responsibility (“CSR”).
塔根律师谈到了他的第二个主题，即与中国的统一政策。他强调，中国在贸易和投资等许多方面都是好合作伙伴。在即将到来的 2020 年峰会上，主题之一就是如何积极与中国统一立场。目前存在三个主要问题，1) 与中国的投资协议，2) 非洲与中国之间的合作 3) 企业社会责任（“CSR”）。
- In term of the CSR compliance, it is about the collective agreement with social partners by which a positive impact could be brought about on society. The minimum requirement for a company is to comply with social norms and related responsibilities including but not limited to environment protection, consumer protections, human rights, public health etc.
就遵守 CSR 而言，CSR 是与合作伙伴达成的集体协议，通过协议可以对社会产生积极影响。对企业的最低要求是要遵守社会规范和相关责任，其涵盖的范围广泛，不限于环境保护，消费者保护，人权，公共卫生等。
- Through the CSR compliance, companies should not only put their sights on profit but also maximize the value of stakeholders through the whole society.
公司不应只着眼于利润，通过履行企业社会责任，应同时着眼于最大化整个社会中利益相关者的价值。
- In Germany, corruption, bribery and unfair competition ravaged in the whole Germany in the past. However, there has been a huge change of understanding on CSR in the past two decades.
德国一度曾腐败，贿赂和不正当竞争肆虐。但在过去的二十年中，对企业社会责任的理解发生了巨大变化。
- The key words of the CSR are a legal contract through compliance.
企业社会责任的关键是达成法律合同的合规性。
- Active shareholder engagements in the decision-making process of board of directors in key aspects include 1) remunerations of directors and 2) related party transactions

and 3) knowing your shareholders/ directors should be advocated.

相关主体应倡导股东积极参与关键问题的董事会决策过程，包括 1) 董事薪酬和 2) 关联方交易以及 3) 了解股东、董事。

- Transparency by means of registering the legal and beneficial ownerships should be promoted as beneficial owners are not always legal owners.

应该通过注册合法所有权和实益所有权的方式促进透明度，因为实际利益的获得者并不总是合法所有者。

- In the Q&A session, Ms. Yuenyuen Wang also shared her view on how the German style CSR differs from Chinese one raised by Mr. Zhang.

在问答环节中，王圆圆女士也就德国式企业社会责任与中国式企业社会责任的不同之处发表了看法。

- Ms. Wang introduced herself that she worked for Airbus and Cathay Pacific in the past. There are a lot of difference between China and German in term of the CSR largely attributable to the nature of the companies i.e. State-owned enterprises versus private companies.

王圆圆女士介绍了自己过去曾在空中客车公司和国泰航空工作。在企业社会责任方面，中德之间存在很多差异，这在很大程度上归因于公司的性质，即国有企业与私营企业。

4. M&A by Chinese Parties in Switzerland: Deal Challenges and Legal Advices (by Jacques Bonvin)

中方在瑞士的并购：交易挑战和法律咨询（雅克·邦文）

- Mr. Bonvin's presentation can be divided into two parts i.e. Introduction and Challenges.

邦文律师的演讲可以分为两个部分，简介和挑战。

- In the part of introduction, Mr. Bonvin started by sharing his view on M&A context. Indeed, there have been numerous transactions to substantiate the confirmed trend of M&A transactions in spite of economic slowdown in the last year. In the context of China, however, the global regulatory framework such as US-PRC and EU-PRC has evolved to be so restrictive to the extent that many rules and regulations go against China. This makes China difficult to undertake cross-border M&A. Therefore, the prevailing PRC restrictions are formed under the dynamics of the current M&A market.

在介绍部分，邦文律师首先分享了对并购背景的看法。尽管去年经济放缓，但仍有大量交易可以证实跨境并购交易的向上趋势。但是，在中国发展的背景下，

美国-中国和欧盟-中国之类的全球监管框架已经变得如此严格，以至于许多规则和法规都与中国背道而驰。这使得中国很难进行跨国并购。因此，现行对中国的限制是在当前并购市场动态下形成的。

- Switzerland features its Swiss attractiveness to the Chinese investors. The host state has an economic and political stability and security of the government and favorable legal and regulatory framework relative to other countries to welcome Chinese buyers who can have free entry thereto and free exist therefrom. Hence, Swissness is the essential point that Chinese investors are looking for in particular the Swiss brands, technology and teams (local employees). With the Swissness, there is a great deal of potential for Chinese buyers to increase their values.

瑞士对中国投资者有其独特的吸引力。东道国具有经济和政治上的稳定与政府安全，相对于其他国家而言，拥有有利的法律和法规框架，欢迎中国买家自由进入投资及自由退出投资。因此，瑞士是中国投资者寻找瑞士品牌、瑞士技术和瑞士团队（当地员工）的重要地点。通过瑞士，中国买家的对外投资有极大的价值提升潜力。

- Despite a number of transactions, there have not yet been any standardized deal market i.e. no proper M&A process. This may thank to different cultural backgrounds, different approaches (relationship, format of holding a meeting, process of entering into a transaction and terms and conditions of an agreement) and ongoing trust building. Nonetheless, the aforesaid issues pertinent to M&A is subject to perception or reality.

尽管中瑞之间已经有许多交易已完成，但还没有形成相对标准化的交易方式，例如没有适当的并购程序。这可能是因为不同的文化背景，不同的方法（关系，举行会议的形式，进行交易的过程以及协议的条款和条件）以及持续的信任建立方式。但是，上述的并购问题都受制于认知和现实。

- There are a number of challenges in the course of making a M&A deal. Firstly, in respect of trust and respect, M&A transactions are subject to different approaches and personal relationships. Parties need to make an adjustment to different process handling such as meeting style and negotiation process. They also have to pay due care to respectful behavior such as no “Losing Face”. In order to avoid any unnecessary conflicts, parties may consider appointing trusted advisors to make a M&A deals with one another across the border.

进行并购交易过程中存在许多挑战。首先，就信任和尊重而言，并购交易要遵循不同的方式和人际关系。各方需要对不同的流程处理方式进行调整，例如会议风格和谈判流程。他们还必须对诸如“丢脸”之类的尊重行为给予足够的关注。为了避免任何不必要的冲突，各方可以考虑任命可信赖的顾问进行跨国并

购交易。

- Secondly, “Know Your Buyer” is another challenge. In other words, parties need to know who they are dealing with. It is always difficult to identify counterparts and decision makers especially under a complex corporate structure. Language is another problem. With the different cultural background, trust and regulatory concerns are also major issues.

其次，“了解买家”是另一个挑战。换句话说，各方需要知道他们正在与谁打交道。难识别交易对手和交易对手的决策者有一定的难度，特别是在复杂的公司结构下。语言是另一个问题。由于文化背景不同，信任和监管问题也是主要问题。

- Thirdly, parties with different backgrounds have different risk approaches in terms of risk perception and the undertaking of due diligence.

第三，背景不同的各方在风险感知和尽职调查方面有不同的方法。

- Negotiation approach is the fourth challenge where parties have to accommodate various issues such as negotiation teams with different structures, negotiation attitude, meeting handling (direct/ indirect approaches), action plan/ timeliness (timeline sometimes also subject to other concerns), advisory role and “Agreed Terms”.

谈判方法是第四大挑战，当事方必须适应各种问题，例如具有不同结构的谈判团队，谈判态度，会议处理（直接/间接方法），行动计划/及时性（时间表有时也会受到其他关注），咨询角色和“协议条款”。

- Fifthly, in the regulatory aspect, parties have to deal with issues in relation to complexity, multi-levels and “Black Box” concerns (many hidden parties involved). The regulations would also impose impact on process and time of deal making.

第五，在监管方面，当事方必须处理多类问题，如交易的复杂性、多层次和“黑匣子”问题的问题（许多未明面披露的当事方参与交易）。监管还将会对交易的过程和时间造成影响。

- Finally, the challenges also include financing, external risks and deal certainty. In connection with the deal certainty, this would also create impact on bidder selection (e.g. Huawei incident), price (“Chinese Premium”) and deal structure.

最后，挑战还包括融资，外部风险和交易确定性。就交易确定性而言，这还将对竞标者的选择（例如华为事件），价格（“中国溢价”）和交易结构产生影响。

- In the Q&A session, Ms. Laura asked what was the last activity he engaged in? Mr. Bonvin said litigation and other different sectors. Ms. Laura further inquired whether he has any connection with technology sectors? Could he introduce any registered brand to China? Mr. Bonvin answered yes such as IP.

在问答环节中，琳德雯女士问他最近从事的活动是什么？邦文律师说，诉讼与其他不同板块。琳德雯女士进一步询问他是否与技术板块有联系？是否可以将任何注册商标引入中国？邦文先生做出肯定回答，例如知识产权保护等领域。

- Mr. Cygielman from Hamburg is an independent lawyer and he had experience in handling a claim in Xiamen. In that case, it involved three negotiations with Chinese SOEs and the process at issue was very slow. His impression was that foreign parties should have a basic and certain understanding about the Chinese counterparts and be prepared to encounter issues which are time-consuming and continuous. Therefore, he would like to ask Mr. Bonvin what advice, if any, he could give to him in this respect. In response to such a question, Mr. Bonvin advised him that he must understand what the nature of problems would be such as process or monetary issues. Then he should learn of certain ways to accept, push and reopen the discussion and negotiation.

来自汉堡的西吉尔曼先生是一名独立律师，他在厦门处理索赔方面具有丰富的经验。在一次案例中，涉及到与中国国有企业的三项谈判，争议处理的过程非常缓慢。他对于先次经历印象总结为外国人须对中国的谈判对手有基本的了解，并准备面对耗时且将持续谈判的过程。因此，他向邦文先生请教这方面是否有何建议。在回答这个问题时，邦文先生建议他先了解问题的本质，是流程的问题还是金钱的问题。然后，他应该学习某些接受，推动和重新开始讨论与谈判的方式。同时，他还应该学习接受、推动和重新开始谈判的方式。

5. One Belt One Road and Financial Derivatives and Legal Services (by Naiquan Zheng)

一带一路与金融衍生工具和法律服务（郑乃全）

- Mr. Zheng started his presentation by explaining what derivatives are. Generally speaking, derivatives are financial instruments/ contracts that link to some underlying assets including commodity, equity, currency and index. Financial institutions such as insurance companies can use the financial tool to transfer risks. 郑律师首先介绍了金融衍生产品。一般而言，衍生工具是与某些基础资产（包括商品，股票，货币和指数）链接的金融工具/合约。保险公司等金融机构可以使用金融工具转移风险。
- China will be more engaged in financial derivatives by which the function is to transfer financial risks like risk management. 中国将更多开放相关金融衍生产品市场，其职能是转移金融风险，进行风险管理。

- The derivatives address special financial risks including foreign exchange risk, price risk and credit risk. In international trade transaction, people encounter lots of risks. Some people buy insurances to hedge their risks. However, such a way is criticized its nature likened as gambling or speculation.
衍生工具处理特殊的金融风险，包括外汇风险，价格风险和信贷风险。在国际贸易交易中存在很多风险。有些人购买保险来对冲各类风险。但这种方式亦被评价为类似于赌博或投机的性质。
- Regardless of the criticism, the functions of financial derivatives include risk management and discovery of prices. In other words, people use small capital to buy big target investments. To address the nature of speculation, authorities take actions to regulate this market.
不管批评如何，金融衍生产品的功能包括风险管理和估价。有些人们用小额资本购买大笔目标投资。为了解决投机活动的性质，监管机构采取行动来规范该市场。
- There are four types of derivatives, namely forwards, futures, options and swaps.
衍生工具有四种，即远期，期货，期权和掉期。
- In the context of B&R transactions and derivatives, they involve cross-border transactions where people engage in international businesses from different countries that involve risks. Those risks include foreign exchange, interest rate, price and credit. For instance, people use some financial tools to hedge the risk and transfer the risk to other people. Trust hereof is a problem whereby different countries have different cultures so that it is difficult to build up trust between parties.
“一带一路”发生的交易和衍生品交易涉及跨境，交易中的人们来自不同国家，面临着风险。这些风险包括外汇风险，利率风险，价格风险和信用风险。人们使用一些财务工具来对冲风险并将风险转移给其他人。由于不同的国家具有不同的文化，因此很难在各方之间建立信任，建立信任是一个重要课题。
- Financial derivatives are sorts of risk management and price discovery with the aim to reducing the level of risk borne by parties. For the sake of safety and development, that's why investors need derivatives to hedge their risks.
金融衍生产品有风险管理和价格发现的作用，旨在降低各方承担的风险水平。投资者需要衍生工具来规避风险。
- With regard to the opening-up of financial market and derivatives development in China, China has adopted an opening0up policy on financial market. The PRC government allows foreign direct access to Chinese domestic market that could facilitate the development of new financial derivative products. The ultimate aim is to update the Chinese financial market to international capital market.

在中国的金融市场开放和衍生品发展过程中，中国对金融市场采取了开放政策。中国政府允许外国直接进入中国国内市场，这可以促进新金融衍生产品的发展。最终目的是将中国金融市场发展为国际资本市场。

- In respect of legal services on derivatives and international cooperation, lawyers should advise clients of transactions on derivatives with regard to foreign policies and regulations. Lawyers help to design, draft and review financial contracts and rules based on every individual circumstance. They also need to conduct investigation, compliance and legal training.

在为金融衍生工具和国际合作提供法律服务方面，律师应就外国政策和法规向客户提供有关金融衍生工具交易的建议。

- To enhance the investors protection with the nature of speculation of financial products, the PRC government needs to regulate the market so as to ensure sustainable development.

为了利用金融产品的来增强对投资者的保护，免受投机影响，中国政府需要规范市场，以确保可持续发展。

- There are two types of derivatives, namely 1) standard derivatives and 2) over-the-counter derivatives (non-standard/ customized/ tailor-made). Parties can add some special terms on top of general terms.

- 有两种类型的衍生产品，即 1) 标准衍生产品和 2) 非标准衍生产品（非标准/定制/量身定制）。缔约方可以在一般条款的基础上添加一些特殊条款。

- Lawyers also provides parties with legal services of dispute settlement and bankruptcy and liquidation.

律师还为当事方提供解决争端，破产和清算的法律服务。

- Finally, Mr. Zheng was optimistic about the future of derivative market in China and he expected to have more cooperation with Swiss lawyers.

最后，郑律师对中国衍生品市场的未来表示乐观，并希望与瑞士律师开展更多合作。

6. The Cultivation of China's Foreign-related lawyers under the Background of Belt and Road Initiative – A case study of Jiangsu Province (by Bo Yi)

一带一路"倡议背景下中国涉外律师的培养-以江苏省为例（易波）

- Mr. Yi singled out the fact that China can cooperate with other countries through the OBOR. He also defined the OBOR in which "Belt" refers to the Silk Road Economic Belt and "Road" refers to the 21st Century Maritime Silk Road.

易波教授指出，中国可以通过“一带一路”与其他国家合作。他指出“一带一路”，其中“带”指的是丝绸之路经济带，“路”指的是 21 世纪海上丝绸之路。

之路。

- There have been more than 80 countries signing the OBOR agreements with China
已有超过 80 个国家与中国签署“一带一路”协议
- Under the OBOR, it is expected to have an increasing demand for legal services from legal institutions, education institutions, universities etc.
在“一带一路”倡议下，预计法律机构，教育机构，大学等对法律服务的需求将不断增加。
- In the context of Jiangsu, the province aims to integrate itself into the OBOR.
江苏省的目标是融入“一带一路”。
- What is the establishment of training mechanism for practicing lawyers in Jiangsu?
In the training of attorney, Mr. Yi stated that lawyers should not only learn domestic law but also foreign laws so that they are able to exchange in the use of legal theories and practices. The concerned parties should nurture skills of judges and lawyers and expand their ideas in a wider scope.
江苏执业律师培训机制的建立是什么？在律师培训中，易波教授表示律师不仅应该学习国内法，而且应该学习外国法律，以便他们能够交流法律理论和实践的经验。有关机构应培养法官和律师的技能，并在更大范围内扩充他们的视野。
- Recently, the Jiangsu government has initiated the exchange study tours with the US, Australia and Singapore.
最近，江苏省政府已开始与美国，澳大利亚和新加坡进行交流访问。
- The province encourages local law schools to employ foreigners to teach English and foreign laws.
该省鼓励当地法学院雇用外国人教授英语和外国法律。
- In the Q&A session, Mr. Hu said it is quite challenging to train lawyers in Jiangsu province. Many problems are pending to be resolved. He had recently handled a case between Pakistan government and Chinese government in which he found conflict of laws is an insurmountable legal issue to be resolved. That said, there are many opportunities in the future.
在问答环节中，有参与者指出，在江苏培训律师是非常具有挑战性的。许多问题有待解决。他最近处理了巴基斯坦政府与中国政府之间的一起案件，他认为法律冲突是一个难以解决但亟需解决的问题。这方面未来有很多机会。