



ReLaTe - Law and business in China in the framework of the EU and China investment and trade relations: the challenges of digital-tech age

THE RELATE YEARLY AGENDA - 2023

The **EU and China bilateral relations** in the investment and trade sector, one of the key components of the complex network of the global law and economy, have undergone a rapid and significant change in the framework of the emergence of new global geopolitical (un)balances and of new issues raised, at the regulatory level, by the **digital-tech revolution**. This process is taking place under our eyes and presents us the challenge of following the law as it is moving and the need to elaborate new legal models for international economic and trade relations where the EU will go on playing a strong role. In order to be able to meet these challenges, we need to cope with different disciplinary approaches and different issues: the history of UE-China relations in the field of **law of investment and trade**, the changing legal landscape of doing business - both in the EU and China - within the new digital context, the understanding of the legal process dynamics which are implied in the huge legal change experience, also to fill the gap in the **global regulation of digital economy**.

The **ReLaTe project** aims at providing knowledge tools in order to better understand the aforementioned complex issues. Its first action, in 2023, is providing a comprehensive course, linked to a series of in-depth seminars and a study visit. This action is part of the project's comprehensive action, whose final **goal** is **training a new generation of ruling class, jurists and legal practitioners**, equipped with analytical and **critical skills** that make them aware and active protagonists in building of a **new model of relations** in one of the most crucial fields of the current global economic and legal framework - i.e., that of EU-China investment and trade relations, a field strongly affected by the **digital-tech revolution**.

The first year of the Jean Monnet module proposes a **48-teaching course** named ReLaTe - Law and business in China in the framework of the EU and China investment and trade relations: the challenges of digital-tech age. The course, all delivered in English, is divided in **three scientific blocks** complemented by focus seminars that provide the students with specific insights on the topic of the single scientific blocks.

The **first scientific block** is dedicated to reconstructing the evolution of the dialogue and cooperation between the EU and China to deepen and strengthen their investment and trade relations and the related legislative framework. The reconstruction starts from the first initiatives in the mid-1990s to the last step of this exchanges reached with the conclusion of the EU-China Comprehensive Investment Agreement (CAI), concluded in principle in 2020. In particular, the policies and strategies that EU has adopted towards China that have moved from engaging in a more comprehensive and strategic way to considering China simultaneously as a partner for cooperation, an economic competitor and a systemic rival, are analyzed. On the Chinese side, the new strategies launched by the Chinese government, among which the Belt and Road Initiative and its impact on the EU and the Member States, are introduced. Then, an in-depth analysis of the CAI and its implications at the legal



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level is made. In order to understand the background against which this bilateral agreement was concluded in principle, it is introduced the legislative framework regarding the foreign direct investment by examining the EU and China approaches to FDI regulations and the recent Chinese Foreign Investment Law.

The **second scientific block** is devoted to illustrating the emergence of a new global governance in the digital perspective, also analyzing the regulatory approaches adopted by the EU and China to this regard and the outcomes of the bilateral dialogue among the two actors, so as to stress consistencies, differences, and possible complementary initiatives. To this end, a first focus is devoted to the analysis of how the EU is designing its digital sovereignty in order to balance the benefits and opportunities of digital technologies with the risks and challenges they present. In this respect, the main strategical instruments are analyzed, in particular policies (such as Digital Single Market Strategy and the European Commission Digital Strategy) and pieces of legislation (such as the General Data Protection Regulation, the Data Act, the Data Governance Act, the Digital Market Acts, the Digital Services Act, and the proposal of AI Act). The analysis includes the growing case law of the European Court of Justice (starting from its leading cases in the digital domain, such as the Google Spain case and the Schrems cases) that is contributing to shaping the EU digital governance. The course then focuses on how China is designing its digital governance by analyzing the main policy documents (such as the Made in China 2025 and the 14th Five-Year Plan for the Development of the Digital Economy) and pieces of legislation (such as the Cybersecurity Law, the Data Protection Law, and the Personal Information Protection Law), as well as the relevant Supreme People's Court judicial interpretations, in order to highlight what are the strategies underlying the Chinese approach. A specific focus will be dedicated to the Digital Silk Road.

The **third scientific block** addresses the analysis on specific digital sectors dealing with e-commerce, personal data, and artificial intelligence in order to highlight global regulations trends and those implemented by the EU and China, thus emphasizing where common bases can be detected. The analysis is not limited to stress the similarities and differences between the two regulatory experiences but also to highlight the underlying connections resulting from the dialogue between the EU and China, specifically carried out through the legal cooperation (as it happened with the Chinese E-Commerce Law in which the EU contributions to its drafting was significant).

During the lectures period, teachers and students work on the realization of a **podcast series** which aim at deepening some topics covered during the course, thus disseminating the contents of the Module to the public as well.

In 2023 the following **seminars** are organized: in **November 2023** a 3-hour focus seminar, delivered by Prof. **Federico Casolari**, with the participation of guests experts, deals with the emerging concept of digital sovereignty, upon which the EU is building the basis for safeguarding European values in the digital age. This seminar is also open to entrepreneurs, lawyers, advisors, and other professionals



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who operate in the digital sector and in the field of investment and trade with China; in **November and December 2023** Prof. **Angela Carpi** delivers 5 hours focus seminar, with the participation of guests experts, dedicated to the EU and China IPR cooperation in the framework of the digital age.

In December a **study-visit** to the **Bologna Technopole**, center of innovation and experimentation for industrial research and technology transfer, is organized in order to allow the students to get in touch with experts who work here and learn about the European **supercomputer Leonardo**, one of the most powerful supercomputers in the world hosted in the Technopole.



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