

**WHU Center of Overseas Investment  
Law**

**Monthly Events**

**April 2019**

**Issue 18**

**Published on May**

# Domestic Events

1. On April 1-4, the first round of negotiations on the China-Peru Free Trade Agreement escalation and the second meeting of the China-Secretary Free Trade Area Committee were held in Beijing. Zhang Shaogang, Director of the Department of International Trade and Economic Relations of the Ministry of Commerce, introduced the relevant issues of the first round of negotiations on the upgrading of the China-Symbol FTA and the implementation of the agreement.

[\(\[http://www.gov.cn/xinwen/2019-04/04/content\\\_5379794.htm\]\(http://www.gov.cn/xinwen/2019-04/04/content\_5379794.htm\)\)](http://www.gov.cn/xinwen/2019-04/04/content_5379794.htm)

2. On the afternoon of April 2, the Supreme People's Court and the Department of Justice of the Hong Kong Special Administrative Region signed the "Arrangement on Mutual Assistance and Protection of Arbitration Procedures between the Mainland and Hong Kong Special Administrative Region Courts" in the Hong Kong Special Administrative Region.

[\(<http://legal.people.com.cn/n1/2019/0403/c42510-31011021.html>\)](http://legal.people.com.cn/n1/2019/0403/c42510-31011021.html)

3. From April 3 to 5, Liu He, member of the Political Bureau of the Central Committee of CPC, vice-premier of the State Council, and Chinese lead people of the China-US Comprehensive Economic Dialogue, and US Trade Representative Mr. Lighthizer and Finance Minister Mnuchin co-hosted the ninth round of high-level economic and trade consultations between China and the United States in Washington.

[\(\[https://mp.weixin.qq.com/s/cxtoEpgSOH2Uqf\\\_6nuYs2A\]\(https://mp.weixin.qq.com/s/cxtoEpgSOH2Uqf\_6nuYs2A\)\)](https://mp.weixin.qq.com/s/cxtoEpgSOH2Uqf_6nuYs2A)

4. From April 7 to 11, Zhang Mao, director of the State Administration of Markets, led a delegation to visit the European Commission and signed a competition agreement with the European Commission's Competition Commissioner - "China and EU Competition Policy Dialog Framework Agreement" and " Memorandum of Understanding on the establishment of a dialogue mechanism in the area of fair competition review systems and state aid control systems.

<https://mp.weixin.qq.com/s/SjOq2MIq1hqSs8KsbvCFSA>

5. On April 8, the Ministry of Commerce issued a notice on the "External Investment Record (Approval) Report Implementation Rules (Draft for Comment)" for public consultation: to accurately, timely and comprehensively reflect the dynamic development of China's foreign investment, scientific research And analyze the development trend of foreign investment, and provide support for post-event supervision. The Ministry of Commerce has formulated the "Detailed Rules for the Implementation of the Foreign Investment Filing (Approval) Report. It is now open for comments. Please send feedback by fax or email, public solicitation. The deadline for comments is May 7, 2019.

<https://mp.weixin.qq.com/s/CJ8bJ9J-cP5LpH965kcbXA>

6. On April 9, the eleventh meeting of the second phase of the China-Pakistan Free Trade Agreement was held in Beijing. Wang Fuwen, deputy minister of the Ministry of Commerce and deputy of international trade negotiations, and Sukla, the permanent secretary of the Pakistani Ministry of Commerce, and Da Yi, the permanent secretary of the Ministry of Finance, respectively attended the meeting. The two sides conducted in-depth consultations on issues such as tariff reduction, investment, and customs cooperation on goods, and made positive progress.

<http://bgt.mofcom.gov.cn/article/c/d/201904/20190402851066.shtml>

7. On the morning of April 10, in the wake of the Chinese Premier Li Keqiang and Croatian Prime Minister Plenkovic, Chinese Minister of Commerce Zhong Shan and Minister of Economy, Enterprise and Handicrafts of the Republic of Croatia Horvat in the Croatian capital Gleb co-signed the Memorandum of Understanding between the Ministry of Commerce of the People's Republic of China and the Ministry of Economy, Enterprise and Handicrafts of the Republic of Croatia on the establishment of a joint working group on investment cooperation under the framework of the Joint Economic Cooperation Committee. The China-UK Investment Cooperation Joint Working Group is a new platform for investment cooperation created by the two sides to further expand two-way investment and push the economic and trade cooperation between the two countries to a new level.

[http://www.gov.cn/xinwen/2019-04/11/content\\_5381638.htm](http://www.gov.cn/xinwen/2019-04/11/content_5381638.htm)

8. On April 12, the 15th round of negotiations on the China-Japan-Korea Free Trade Zone was held in Japan. Assistant Minister of Commerce Li Chenggang and the Ambassador of Japan's Ministry of Foreign Affairs, the International Trade and Economics Extraordinary and Plenipotentiary, Kagawa Ganghiro, and Assistant Minister of the Ministry of Commerce, Trade and Resources, Lu Han, were all present at the meeting. In this round of negotiations, the three parties exchanged in-depth views on important issues such as trade in goods, trade in services, investment, and rules, and made positive progress.

<http://www.mofcom.gov.cn/article/ae/ai/201904/20190402852195.shtml>

9. On April 22nd, the State Council held a press conference to introduce the relevant situation of the “Building the Belt and Road Initiative”: Progress, Contribution and Prospects. The State Council Information

Office held a press conference on April 22 (Monday) at 3 pm, invited Leader of the Integrated Team of the “Belt and Road” Construction Leading Group Office Xiao Yuming and the Ministry of Commerce General Inspector Song Lihong to introduce “Building the Belt and Road Initiative”: Progress, Contribution and Prospects, and answered questions from reporters.

[\(\[http://www.xinhuanet.com//2019-04/22/c\\\_1124399473.htm\]\(http://www.xinhuanet.com//2019-04/22/c\_1124399473.htm\)\)](http://www.xinhuanet.com//2019-04/22/c_1124399473.htm)

10. On April 25th, as an important part of The Second Belt and Road Forum for International Cooperation, 12 thematic forums were held in Beijing. Thousands of Chinese and foreign guests gathered together to speak out freely, focusing on Policy Connectivity, Infrastructure Connectivity, Trade Connectivity, Financial Connectivity, People-to-People Connectivity, Think Tank Forum, Clean Silk Road, Digital Silk road, Green Silk Road, Innovation Silk Road, Economic and Trade Cooperation Zone Promotion, Local Cooperation and other topics to have in-depth exchanges, and suggestions for the construction of the “Belt and Road” are provided.

[\(\[http://www.xinhuanet.com/world/2019/04/26/c\\\_1124417542.htm\]\(http://www.xinhuanet.com/world/2019/04/26/c\_1124417542.htm\)\)](http://www.xinhuanet.com/world/2019/04/26/c_1124417542.htm)

11. On April 26, the opening ceremony of The Second Belt and Road Forum for International Cooperation was held in Beijing. President Xi Jinping attended the opening ceremony and delivered a keynote speech. He called for a joint effort to build a common better future of “Belt and Road” and announced that China will adopt a series of major reform and opening up measures.

[\(\[http://www.xinhuanet.com/politics/leaders/2019-04/26/c\\\_1124420373.htm\]\(http://www.xinhuanet.com/politics/leaders/2019-04/26/c\_1124420373.htm\)\)](http://www.xinhuanet.com/politics/leaders/2019-04/26/c_1124420373.htm)

12. On April 28, China and Pakistan concluded the second phase of the FTA negotiations and signed the protocol. Under the joint witness of the two prime ministers, Yu Jianhua, deputy minister of the Ministry of Commerce and deputy of international trade negotiations, and the Pakistani ambassador to China,

Masood Khalid, signed the "Protocol on Amending the Free Trade Agreement". The Pakistani has made sufficient preparations for the conclusion of the negotiations and the formal signing of the protocol. The relevant agreements have been discussed and approved by the Pakistani cabinet, and the protocol is expected to be formally implemented by June.

<http://www.mofcom.gov.cn/article/i/jyjl/j/201904/20190402858629.shtml>

## **International Events**

1. The relevant changes in the EU Labor Law came into effect in early April

These changes include:(1) increase the national minimum wage; (2) increase the

minimum automatic registration pension contribution rate and eligible income range; (3) increase the statutory maternity leave wage, statutory paternity leave pay, statutory adoption wage, statutory common parent salary and Statutory sick pay; (4) increase the compensation limit of the labor court; (5) provide a salary list to all workers; and (6) increase the income tax rate.

[https://mp.weixin.qq.com/s/7GqrDToDsHaGeh5R\\_TgtWw](https://mp.weixin.qq.com/s/7GqrDToDsHaGeh5R_TgtWw)

2. From April 1st to 5th, the UNCITRAL Working Group III (Investor and Inter-State Dispute Settlement Reform Group) held its thirty-seventh session in New York. The Working Group has resulted in agreement to pursue work on multiple tracks so as to accommodate the different wishes of governments. Meanwhile, The Working Group has invited interested states to submit views on the future work to the UNCITRAL Secretariat, which will then undertake preparatory work on topics identified. A number of such topics to be researched by the Secretariat were also specified by the Working Group: an arbitrator code of conduct, indirect claims and reflective loss, appointment of adjudicators, third-party funding, and the establishment of an advisory center for developing states. (Presumably, such discrete topics will sit alongside another work stream devoted squarely to the elaboration of a multilateral investment court and/or appellate mechanism.)

[https://uncitral.un.org/zh/working\\_groups/3/investor-state](https://uncitral.un.org/zh/working_groups/3/investor-state)

3. On April 2, The World Trade Organization (WTO) released the latest issue of Trade statistics and outlook, which lowered the global trade growth forecast for this year to 2.6% from the previous 3.7%.

<http://www.chinanews.com/gj/2019/04-04/8800618.shtml>

4. April 4, MIGA, the political risk insurance arm of the World Bank Group, and ICIEC, a member of the Islamic Development Bank Group that provides investment and export credit insurance for Islamic countries, signed a Memorandum of Understanding today. The MoU envisions greater cooperation in utilizing the Agencies' respective financial products in joint projects. Products included in this arrangement include political risk insurance and credit enhancement, through co-insurance and reinsurance arrangements.

<https://www.miga.org/press-release/miga-iciec-strengthen-commitment-cooperation>

5. On April 4th, ICSID signed a general arrangement agreement with the Kigali International Arbitration Center (KIAC). The agreement was signed by ICSID Secretary General Meg Kinnear on behalf of ICSID and signed by KIAC Secretary General Fidèle Masengo on behalf of KIAC. The ceremony was held in Kigali, Rwanda, and ICSID legal counsel Paul Jean Le Cannu attended the ceremony.

<https://icsid.worldbank.org/en/Pages/News.aspx?CID=318>

6. On April 5, the Executive Director of the World Bank unanimously selected David R. Malpass as President of the World Bank Group for a five-year term beginning on Tuesday, April 9, 2019. According to Article 5 of the ICSID Convention, the President of the World Bank was elected as the President of the ICSID Administrative Council.

<https://icsid.worldbank.org/en/Pages/News.aspx?CID=319>



7. The ICSID member states met in Washington, DC from April 7th to 10th to conduct a second consultation on the procedural rules for amending ICSID to resolve international investment disputes. This is the fourth revision of the ICSID rules, which is the most extensive change to date. The focus of the process is to modernize and streamline rules, make procedures more time- and cost-effective, and expand the range of dispute resolution mechanisms available to countries and investors.

<https://icsid.worldbank.org/en/Pages/News.aspx?CID=320>

8. On April 12, the Minister of Economy and Finance of the Republic of Djibouti, Ilias Moussa Davale, signed the Convention on the Settlement of Investment Disputes between States and Other Nationals (also known as the ICSID Convention).

<https://mp.weixin.qq.com/s/ph2lP0f--32gzcF6Ly25EA>

9. On April 25, ICSID registered eight Ukrainian nationals' request for arbitration against the Republic of Northern Macedonia under the Macedonian-Ukrainian BIT and ICSID Convention. The dispute between the two parties is concentrated on concessions and environmental issues. The Macedonian government accused Sardich MC of failing to comply with the environmental protection obligations required by the concession agreement and illegal financing, thus canceling Sardich MC's concession in the southern mining area of Northern Macedonia and blocking the bank account of the parent company COPIN. Currently, Macedonia is facing another ICSID arbitration from the

Dutch mining company Cunico Resources N.V for the iron-nickel mining business.

<https://icsid.worldbank.org/en/Pages/cases/casedetail.aspx?caseno=ARB/19/9> )

10. In April 2019, ICSID registered 6 new cases, and the countries involved respectively were Arab Republic of Egypt(ICSID Case No. ARB/19/7), Kingdom of Spain (ICSID Case No. ARB/14/1), United Republic of Tanzania (ICSID Case No. ARB/19/8), Bolivarian Republic of Venezuela (ICSID Case No. ARB/07/30), Republic of North Macedonia (ICSID Case No. ARB/19/9), United Arab Emirates (ICSID Case No. ARB/19/10).

<https://icsid.worldbank.org/en/Pages/cases/ViewRecentUpdates.aspx?view=RECREGISTERED>)

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