



CHINA

Contract Drafting – Made Easy

◆ Negotiating:

- Dealing with Chinese law
- Negotiating contracts successfully in China – preparation, process, implementation – cultural particularities, tips & tricks

◆ Drafting:

- Cross border contracts vs. local Chinese contracts
- Formal requirements, contract language
- Typical clauses in local Chinese contracts

◆ Implementing:

- Cross-border contracts with Chinese distributors
- Choice of jurisdiction – local courts vs. arbitration
- Reform of arbitration in China and Hong Kong
- Interim legal protection

The online training takes place in 2 connected modules of 3 hours each.

10th May 2021 | 9.00 a.m. – 12.00 p.m.

11th May 2021 | 9.00 a.m. – 12.00 p.m.

Registration: www.icc-austria.org

Target Group

- ◆ Export and Import Manager
- ◆ Int Sales Manager
- ◆ Project Manager
- ◆ Legal and Contracts Department
- ◆ In-house legal counsel
- ◆ Lawyers

Background & Objective

Successfully negotiating, drafting and implementing contracts in China is one of the most challenging tasks for Austrian companies or the responsible managers – be it that the Austrian company concludes a cross-border contract with a Chinese business partner, or that the Austrian subsidiaries conclude contracts locally with Chinese customers, suppliers, Cooperation partners etc. Again and again, those in charge face a number of legal, but above all practical, questions.

This interactive online training will address both needs: on one hand, you will receive compact legal guidance on cross-border and local contracts, Chinese law, jurisdiction agreements and distribution agreements, and on the other hand, time will be spend on a variety of practical tips for preparing, conducting and following up negotiations.

The main peculiarities of Chinese contract law, which must be observed in a Chinese business environment, are conveyed in a clear and easy-to-understand manner, whereby the presentation is made with numerous real-life case studies for better comprehension.

The online training will feature the workshop method, which allows all participants to ask their questions directly and is suitable for non-lawyers who work with contractual partners in their daily practice and negotiate contracts.

Speakers

Dr. Barbara Scharrer, lawyer (Germany), supervisory board member (China), university lecturer; Over 20 years of experience in strategy and legal advice for German-speaking companies in China. Of Counsel, GSK Stockmann (www.gsk.de). For more than 13 years, Mrs. Scharrer has built up and managed the Asia business (12 subsidiaries) of a global consulting company as CEO / Equity Partner. Barbara Scharrer also advises Asian companies on their investments in Europe; many years of experience as managing director & supervisory board member in Asia; University lecturer at German universities on China & India in the field of international management, Internationalization strategies, commercial law, corporate compliance & business ethics, international human resource management.

Andrew Zhang, lawyer (China), Senior Partner at A&Z Law Firm in Shanghai (www.a-zlf.com.cn), Head of the European-American Desk; Member of the Shanghai Bar Association, Modern Logistics Research Commission. With over 15 years of hands-on legal practice, Mr. Zhang has a career rich in experience both in-house and in Chinese corporate law firms. Senior Partner at A&Z Law Firm, with offices in Shanghai, Beijing, Dalian, Wuhan and Tokyo, he advises multiple European, Japanese and American MNCs and SMEs on their operations in the ever-evolving Chinese market. He has advised companies such as Philips, Mitsubishi Logistics, Nippon Steel and many others. Mr. Zhang has a vast strategic legal and business expertise, counseling companies on matters such as China their strategy, M&A and corporate restructuring, international trade (including Cross-border e-commerce), customs logistics and maritime commerce, and dispute resolution. Mr. Zhang has also led various research projects, such as “Shanghai Medium and Long-term Development Strategy” entrusted by the Shanghai Academy of Social Sciences.

Programme

- ◆ **Overview of Chinese Law**
 - Differences between Austrian and Chinese law
 - Legal perspective of Chinese business partners & dealing with local authorities
- ◆ **Introduction to contract-relevant culture and communication**
 - Cultural values of China and adapting behavior for the success of your contract
 - Suitable communication strategies – the basis for your contract
 - Negotiations with Chinese partners – tactical and strategic objectives – Dos & Don'ts
 - Preventing & resolving conflicts
 - After signing: Make your contract a success!
 - Obtain information about your local partners & plan negotiations skillfully
- ◆ **Cross Border Contracts & Local Chinese Contracts – Drafting contracts with Chinese business partners**
 - Formal requirements, contract language
 - Choice of law and Choice of jurisdiction – local ordinary courts vs. arbitral tribunals
 - Legal approval and approval requirements
 - Authorization to represent, requirements for powers of attorney
 - Definition of the subject matter of the contract, the description of services
 - Regulation of the payment obligation and the payment procedure, hedging of exchange rate fluctuations; Payment clause, currency clause, price escalation clause
 - Acceptance and handover regulations, transfer of risk and ownership
 - Warranty clauses, warranty liability and guarantee agreements
 - Loan collateral (retention of title, lien, surety, guarantee, fiduciary institutions)
 - Compensation & Liability Regulations – Disclaimer & Reduction of Liability: What is Permissible?
 - Contractual penalties under Chinese law
 - Use general terms and conditions in China
- ◆ **Compliance and legal security in legal transactions with Chinese partners**
- ◆ **Reform of arbitration in China and Hong Kong**

Registration

Mrs. Cennet AYGÜN

ICC Austria – International Chamber of Commerce

@ mail: c.ayguen@icc-austria.org

☎ Tel.: +43-1-504 83 00-3718

responsible for the content: Mag. (FH) Doris Feichtl

other ICC Austria seminars/webinars:

- The new Incoterms® 2020, 14th+ 15th April, Online Training
- Ocean freight in Import/Export, 13th+14th October, Online Training

Webinar CHINA – Contract Drafting – Made Easy

Duration: 2 connected modules of 3 hours each

REGISTER [HERE!](#) for 10th + 11th May 2021, 9:00 a.m. – 12.00 p.m. CET

Registration Fee (per person)

incl. electronic training documents, certification of participation

€ 420,00 + 20% VAT

Once confirmed by ICC Austria, your registration is legally binding!

The registration fee shall be paid within two weeks from receipt of invoice - verifiably BEFORE the webinar starts.

Technical Requirements

Computer/Laptop/Tablet with internet connection.

The webinar will be held via Zoom. If your company does not use Zoom by default, a participation is still possible. If you have any questions, please contact your in-house IT department or contact us directly.

You will receive the link and access data for participation in the online training 3 working days before the webinar starts.