

Chinese translation of Professor Alberto Santa Maria's book on *EC Commercial Law*

Foreword to the Chinese edition

The great international events which, together with the growing development of the information technology, have characterized the life of the international community in the last years of the past century and at the beginning of the third millennium, have substantially speeded up the ongoing process of globalization of the economy. As a consequence, flows of goods, services, capital, technologies and people are spreading worldwide as countries everywhere open up to wider contact with each other.

Globalization in itself is not a negative phenomenon: it can create more wealth for everybody; however, it can also be disruptive unless the global business is harnessed by international rules fit for guaranteeing free and fair development of trade globally.

In the international legal order there is not other area in which rules are so widely developed than the one of economics. This target has been achieved since GATT of 1947 and through the subsequent rounds (mainly *Kennedy Round* of 1967 and *Tokyo Round* of 1979) up to the Marrakech Agreements of April 15, 1994 which ended the Uruguay Round empowering and enlarging the GATT rules on free and transparent commerce and moreover creating the WTO.

At present, we can easily recognize that it does exist a complex of international rules governing trade in general and also establishing a common tariff system idoneous to guarantee a substantial free circulation of goods and, in addition, dictating new rules on free circulation of services and on intellectual property rights related to trade.

As a matter of fact, this system has been joined by an increasing number of States in the recent years: the Agreements of Marrakech have been signed by 111 States and the number States became 146 at April 4, 2003. Among those States, the *Protocol on the Accession of the People's Republic of China* signed at Doha on November 10, 2001, for the potentiality and the hugeness of the internal market of that country and for the strength of its increasing export capacity is certainly the most significant event of the whole globalization process of the recent years. In addition, it has likely been a pre-existing cause of the explosion of the Chinese economy in the last years.

Two years have already elapsed after the Chinese accession and we may

note that, in spite of some difficulty which may have arisen from the concrete enforcement of the international rules on economics (on a specific case, by one part or the other), an essential – general achievement has been already reached: the same rules are now applicable in various subject matters everywhere in the world under an authority, the WTO, which is organized with jurisdictional bodies set up in order to have them respected by every State. Let me add that China is also member of the International Monetary Fund since April 7, 1980 and of International Labour Organization.

In this frame, it becomes more and more important that all the major players have a broad knowledge each other and moreover of their respective interpretation of the common rules on trade. And to this purpose what is better than a book written for students of which more than 20.000 copies have been sold of the Italian and English editions?

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It is in the light of the foregoing that when Dr. Wenhua Shan asked me the permit for the translation of my book on “EC Commercial Law” of 1996, I immediately and enthusiastically accepted since I felt to be honored to have the opportunity to make easier for the Chinese reader to better understand the European approach to the international common rules on free and fair trade, seen by a professor who has the contemporaneous experience of practicing law as international lawyer.

Special thanks to Dr. Wenhua Shan and to Mr. Conyan Cay for their very difficult work; I personally regret not to be in condition to appreciate their translation into the wonderful language of the China’s People.

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