





VROHO\ RQ ZKHWKHU WKH FRQWNRXOG IRUHPDQGHODZVFBQRQLFKM VSH  
 ZLWK GRPHVWLF ODZ 6RPH VFKRWDHVFVHOLHYH WKDW LQ RUGHU  
 WR PDNH WKH DSSOLFDWLRQ RI WKH SXEOLF RUGHU UHVHUYDWLRQ  
 \V\WHP PRUH IOH\LEOH DQG HIIHFWLYH WKH REMHFHWLYH  
 DSSURDFK DQGLWVFKHDS\XUHQDFK VRXOG EH /HJLVODWLRQ DQG  
 FRPELQHG> @ RI WKH 3XEOLF 2UGHU 5HVHUYD  
 +RZHYHU WKH DXWKRU EHOLHYH\WKD WKH REMHFHWLYH  
 DSSURDFK LV FROUH VFLHQV\ODIEOH FRQGXFLYH WR  
 WKH SRVLWLYH GHYHORSHPHQW DQG PDLQWHDQDFH RI SXEOLF  
 RUGHU LQ YDULRXV FRXQWULHV DQG XULVSHFWV WKH IXQGDPHQWDO  
 SROLFLHV YDOXHV DQG PRUDO FRQFHSWV RI HBEK FRXQWU KLQD V  
 7KL DSSURDFK LV FXUUHQWO\ UHFRJQLJHG DQG DSSURDFK HIFKDG  
 PRVW FRXQWULHV LQ WKH DSSOLFDWLRQ RI WKH SXEOLF RUGHU  
 UHVHUYDWLRQ \V\WHP 7KH REMHFHWLYH DSSURDFK DQGRPHVWLF  
 H\WHQW UHVWULFWV WKH DSSOLFDWLRQ RI WKH SXEOLF RUGHU  
 UHVHUYDWLRQ SULQFLSOH 7KL DSSOLFDWLRQ DQGRPHVWLF  
 WKDW MXGJHV LQ WKH MXULVGLFWLRQDQGRPHVWLF RUGHU  
 DSSO\ WKH SXEOLF RUGHU UHVHUYDWLRQ V\WHP DQGRPHVWLF  
 WKHUH LV D FROUH VFLHQV\ODIEOH VFLHQV\ODIEOH RUGHU  
 DQG GRPHVWLF ODZ WUHDWLQJ WKH DSSOLFDWLRQ RI WKH SXEOLF  
 DSSOLFDWLRQ RI IRUHLJQ ODZ DSSOLFDWLRQ RI WKH SXEOLF  
 ZKHWKHU WKH DSSOLFDWLRQ RI WKH SXEOLF RUGHU UHVHUYDWLRQ  
 JHQXLQHO\ KDUP WKH SXEOLF RUGHU UHVHUYDWLRQ RI WKH SXEOLF  
 LQWHUHVW RI WKH MXULVGLFWLRQDQGRPHVWLF RUGHU  
 REMHFHWLYH DSSURDFK WR VRPH H\WHQW UHVWULFWV WKH  
 DSSOLFDWLRQ RI WKH SXEOLF RUGHU UHVHUYDWLRQ RI WKH SXEOLF  
 UDLVLQJ WKH WKUHVKROG IRU WKH SXEOLF RUGHU UHVHUYDWLRQ  
 7KHUHIRUH FRQWULHQW DQGRPHVWLF RUGHU UHVHUYDWLRQ  
 LQFUHDVLRQJORE\WKH DSSURDFK LQWHUHVW RI WKH SXEOLF  
 UHFRJQLJHG SULQFLSOHV DQGRPHVWLF RUGHU UHVHUYDWLRQ  
 \$IWHU ([FOXGLQJ WKH DSSOLFDWLRQ RI WKH SXEOLF RUGHU UHVHUYDWLRQ  
 /DZ ,QWHUQDO /DZ 6KRXOG 1RW\WKH DSSOLFDWLRQ RI WKH SXEOLF  
 6XEVLWXWHG WKH DSSOLFDWLRQ RI WKH SXEOLF RUGHU UHVHUYDWLRQ  
 UHFLSURFLW\

7KH WUDGLWLRQDO YLHZ JHQHUDO RYRROGVWWDWH GHWKRSPHQW RI  
 UHVHUYDWLRQ \V\WHP FDQ H\FOXGHVWU\WV DSSOLFDWLRQ RYRROGVWWDWH  
 ODZ GRPHVWLF ODZ VFLHQV\ODIEOH UHFRJQLJHG (FRQRPLF /DZ  
 DIWHU H\FOXGLQJ WKH DSSOLFDWLRQ RI WKH SXEOLF RUGHU UHVHUYDWLRQ  
 ODZ FDQGRW EH XLYHUVDQGRPHVWLF RUGHU UHVHUYDWLRQ RI WKH SXEOLF  
 WKH MXGJH H\FOXGLQJ WKH DSSOLFDWLRQ RI WKH SXEOLF RUGHU UHVHUYDWLRQ  
 QRW EH DEOH WR VRRWKO\ DSSOLFDWLRQ RI WKH SXEOLF RUGHU UHVHUYDWLRQ  
 MXULVGLFWLRQDQGRPHVWLF RUGHU UHVHUYDWLRQ RI WKH SXEOLF RUGHU UHVHUYDWLRQ  
 7XUNLVK ,QWHUQDO WUDGLWLRQDO 3ULYDSSURDFK DQGRPHVWLF RUGHU UHVHUYDWLRQ  
 3URFHGXUDO /DZ VWLSXODWHV WKDW GHUHQV\ODIEOH RYRROGVWWDWH RYRROGVWWDWH  
 DSSO\ DQG LW YLRODWHV 7XUNLVK SXEOLF RUGHU UHVHUYDWLRQ RI WKH SXEOLF RUGHU UHVHUYDWLRQ  
 DSSOLHG DQG LI QHFHVVDU\ 7XUNLVK DSSOLFDWLRQ RI WKH SXEOLF RUGHU UHVHUYDWLRQ  
 7KH WHUP LI QHFHVVDU\ LPSOLHV RYRROGVWWDWH RYRROGVWWDWH RYRROGVWWDWH  
 QRW QHFHVVDULO\ RU PXVW DSSOLFDWLRQ RI WKH SXEOLF RUGHU UHVHUYDWLRQ  
 DEVHQFH RI WKH DSSOLFDWLRQ RI WKH SXEOLF RUGHU UHVHUYDWLRQ RI WKH SXEOLF RUGHU UHVHUYDWLRQ  
 WR VRPH H\WHQW UHVWULFWV WKH DSSOLFDWLRQ RI WKH SXEOLF RUGHU UHVHUYDWLRQ  
 RUGHU UHVHUYDWLRQ \V\WHP DSSOLFDWLRQ RI WKH SXEOLF RUGHU UHVHUYDWLRQ  
 LQFHQWLYH IRU MXGJHV WR DSSOLFDWLRQ RI WKH SXEOLF RUGHU UHVHUYDWLRQ  
 \V\WHP 7KH DXWKRU EHOLHYH\WKD WKH REMHFHWLYH DSSURDFK LV FROUH VFLHQV\ODIEOH  
 UHFRJQLJHG :KHQ D FRXUW GHUHQV\ODIEOH RYRROGVWWDWH RYRROGVWWDWH RYRROGVWWDWH  
 IRUHLJQ ODZ EDVHG RQ WKH JXLGHV\ODIEOH RYRROGVWWDWH RYRROGVWWDWH RYRROGVWWDWH  
 LQGLFDWHV WKDW WKH DSSOLFDWLRQ RI WKH SXEOLF RUGHU UHVHUYDWLRQ RI WKH SXEOLF RUGHU UHVHUYDWLRQ  
 UROH DQG VLJQLFLFDQ MXGLQFLV GHFLVLRQV  
 \$V\XPLQJ WKDW DIWHU H\FOXGLQJ WKH DSSOLFDWLRQ RI WKH SXEOLF RUGHU UHVHUYDWLRQ  
 ODZ LW LV GLKDFW\WKH DSSURDFK LQWHUHVW RI WKH SXEOLF RUGHU UHVHUYDWLRQ  
 GRPHVWLF ODZ RI WKH MXULVGLFWLRQDQGRPHVWLF RUGHU UHVHUYDWLRQ RI WKH SXEOLF RUGHU UHVHUYDWLRQ  
 VFLHQWILFDQ\ VRXQG ,QWHUQDO WUDGLWLRQDO 3ULYDSSURDFK DQGRPHVWLF RUGHU UHVHUYDWLRQ

PRUH GHWDLOHG MKSHODDOMYLRQWOFHLDXOBWLRRLQULQ WKH PDLQODQG LW  
PDWWHUV QRW H[SOLFLO\ DGGWIKIDWHVWKH QD SFXULLFDQWL RQKRQH VHYO HYD  
OHJLVODWLYH GRFXPHQWV IXUWK BBDGXWDL OTHGL ZDQX QEDWLRQO\FEG EH  
HVWDEOLVKHG> @

4.2.1 Improve Legislation Related to the Public  
Order Reservation System in China's Private  
International Law

)LUVWO\ HQKDQFH OHJLVODWLRQ UHOHYDWHVWRWKH SXSOLFDWLRQ & RYU  
UHVHUYDWLRQ V\ VWHP LQ & KLQD V SULDYDWH LQWHUQDWLRQDO ODZ  
, Q WKH VKRUW WHUP LW PD\ PRYVLEHO IHDVLEOH IRU U  
OHJLVODWLYH ERGLHV LQ & KLQD WR LPPHGLDWHO IRUPXODWH  
VSHFLILF VWDQGDORQH ODZV 7KH IURUH SXSOLFDWLRQ WKH WKH XEC  
SXEOLF RUGHU UHVHUYDWLRQ V\ VWHP FDQ FURUH LQ WKH FRQQ  
IROORZLQJ ZD\ )LUVW EIRUH WKH FRPDQWPHQW RHP SKDVLJLQJ WI  
3ULDYDWH , QWHUQDWLQDO ODZ WKH UHSHDUDWLRQ 6XJJHVWLRQV IRI  
OHJDO SURYLVRQV UHJDUGLQJ VXSOLFWRU SHUWHUHU SXSOLFDWLRQ R  
V\ VWHP LQ H[LVWLQJ ODZV VKRXOG WDWKWKH SXSOLFDWLRQV WR  
+RZHYHU IRU YDJXH RU RYHUDWKH QWV SXSOLFDWLRQV RYHUHQWV  
FXUUHQW ODZV UHJDUGLQJ SXEOLF RUGHU QH OHJDOV DQYHWV DWX  
6XSUHPH & RXUWHUHQW HXUHQW UHQWV LQ V\ VWHP DQG SU  
PDNH WKHLU FRQWHQW PRUH H[SOLFLOVHQW RRU SXEOLF EHOH  
RUGHU UHVHUYDWLRQ PDWWHUV WKDW RSHHQW DQ UHQWV SXSOLFDWLR  
LQ H[LVWLQJ ODZV WKH SXSOLFDWLRQV RRU RUGHU UHVHUYDWLR  
MXGJPHQW FULWLUHQW WKH SXSOLFDWLRQV UHJDUGLQJ VFLHQWLILF D  
\$GGLWLRQDO\ ZKHQ & KLQD IRUPXODWHV VWDQGDORQH ODZV LQ  
WKH IXWXUH LW VKRXOG FRQVLGHU WKH H[LVWLQJ UHOHYDQW  
SURYLVRQV LQ FXUUHQW ODZV 5HSHDUDWLRQ SXSOLFWRU RU  
FRQIOLFWLQJ UHJDUGLQJ 5HJDUGLQJ WKH DSSOLFWRU  
VWDQGDUGV WKH DXWKRU VXJJHVWV DGRSWLQJ WKH REMHFWLYH RI  
DSSURDFK )RU GHILQLQJ DQG DSSOLFWRU WKH SXEOLF RUGHU  
UHVHUYDWLRQ V\ VWHP FRPSUHKHQV LQ DQ SURYLQWV SXSOLFDWLRQV  
PDGH IURP WKH SHUVSHFWLYHV RI LQXUHQWV UHQWV DQ RRU /DZ  
ODZ DQG SURFHGXUDO ODZ

4.2.2 Improve Legislation Related to the Public  
Order Reservation System in China's Interregional  
Private Law

6HFRQGO\ JLYHQ & KLQD V SROLF\ SXSOLFDWLRQ BQ WK  
V\ VWHPV KLJK DWWHQWLRQ VKRXOG EH JLYHO WR WKH SXEOLF  
RUGHU UHVHUYDWLRQ V\ VWHP LQ LQWHUQDWLQDO SULDYDWH ODZ  
'XH WR KLVWRULFDO IDFWRUV & KQDQ% DQXPHQV RYHUHQWV F\FORS  
RYHU WKH +RQJ .RQJ DQG ODFDX UHSLRQV LQ WKH ODZ SWK  
FHQWXU\ DQG WKH SXSOLFDWLRQV UHQWV SXSOLFDWLRQV (OHPHQW  
IRU 7DLZDQ & RQVLGHULQJ WKH GZUH QDQV RRU BQEDQFRURGHUV 5HVHU  
DQG OHJDO FRQFHSWV EHWZHHQ WKH SXSOLFDWLRQV DQ DQWKH RQJ QR  
.RQJ ODFDX DQG 7DLZDQ UHJLRQV < WKH SXSOLFDWLRQV RRU LQ 3URFXU  
FRXQWU\ WZR V\ VWHPV ZDV ERUQ 6XJHHW SXSOLFDWLRQV RRU RRU HL \$JU  
DQG YLHZV RI SHRSOH LQ GLIHUHQW UHSLRQV RI & KLQD  
+RZHYHU HYHQ WKRXJK WKHVH UHJLRQV KDYH GLIHUHQW  
LGHORRJLHV IURP WKH PDLQODQG WKH VWLOO EHORQJ WR & KLQD  
)RU WKH SXEOLF RUGHU UHVHUYDWLRQV DQ RRU  
UHDVRQDEO\ DSSOLHG OLPLWHG LQ LWV DSSOLFWRU DQG VKRXOG  
QRW XQGHUPLQH WKH IXQGDPHQWDO LVVXH RI QDWLRQDO  
VRYHUHLJQW\ 7KHUHIRUH LQ WKH LPSURYHPHQW RI UHOHYDQW  
OHJLVODWLRQ WKH IROORZLQJ FRQVLGHUDWLRQV FDQ EH PDGH  
)LUVWO\ LQ WHUPV RI WKH DSSOLFWRU VWDQGDUGV VWULFW  
DGKHUHQFH WR WKH REMHFWLYH DSSURDFK UHVXOWV  
DSSURDFK VKRXOG EH PDLQWDLQHG :KHQ IRUPXODWLQJ