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SPECIAL ISSUE

PARADIGMS OF INTERNET REGULATION IN THE EUROPEAN UNION AND CHINA

FOREWORD

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When we Europeans look out for inspiration regarding our regulations of the internet and internet-based services, our eyes usually turn to the west, across the Atlantic. Our internet economy is dominated by large US companies that seem to blossom in the United States in an apparently very innovation-friendly regulatory climate, and some voices would therefore like European legislators to occasionally "take a leaf out of the book" of American regulations. At the same time, the recurring scandals surrounding the surveillance of American companies by their domestic secret services, but also the excessive and sometimes manipulative processing of data by those companies themselves, reinforce the more "conservative" European approach, which puts more emphasis on protecting the privacy of European Union citizens. Against this background, it is certainly justified and necessary to compare American and European concepts of internet regulation. It seems unfortunate, however, that other concepts are almost completely lost sight of. Little is known about the structures of internet regulation in the People's Republic of China, for example, whose internet community, which now has over 730 million users, is likely to have a similar volume as the combined user figures in the European Union and the United States. Almost unnoticed, huge internet companies such as Alibaba and Tencent (with the popular service WeChat), Baidu and DiDi have emerged there. These companies bear many similarities with the great American tech giants and evoke comparable regulatory needs.

I am therefore very pleased that a group of young academics from the Law Faculty of the Ludwig Maximilian University of Munich have used the funding opportunities of the International Office of the University to seek exchange with Chinese scholars from the Renmin University of China Law School and to create a basis for a comparison of European and Chinese internet regulation. In the course of two workshops in Beijing and Munich in 2017, they worked on central topics of internet regulation in both legal systems.

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The outcome of these workshops is documented in this volume.

One of the results of the comparison is that there are obvious parallels as far as the legal problems are concerned: Chinese legislators face similar challenges such as the spread of hate speech, the emergence of ride-sharing platforms and issues of information security. On the other hand, the strategies for solving these problems often seem to be very different from the European approaches. While Chinese media companies, for example, are often obliged to proactively monitor user communication, this is explicitly excluded under European e-commerce legislation. The contributions collected in this volume present a balanced analysis highlighting the similarities as well as the differences between the two regulatory systems without giving preference to any particular approach.

The participating scholars have thus found a very productive form of dialogue. It is to be hoped that, building on the existing close partnership between Ludwig Maximilian University of Munich and Renmin University of China Law School, this fruitful and promising dialogue will continue in the future.