Civil Procedure Law of the People's Republic of China – Full English Translation (2023 Amendment)

Dan Young Business Consultancy — www.danyoungcpa.com

Unofficial English translation prepared for reference only. The official Chinese text prevails.

Contents

Table of Contents . . . 2

Chapter I — Tasks, Scope of Application and Basic Principles . . . 3

Chapter II — Jurisdiction . . . 4

Chapter III — Trial Organization . . . 6

Chapter IV — Withdrawal . . . 7

Chapter V — Participants in Proceedings . . . 7

Chapter VI — Evidence . . . 9

Chapter VII — Time Periods and Service . . . 11

Chapter VIII — Conciliation . . . 12

Chapter IX — Property Preservation and Advance Enforcement . . . 12

Chapter X — Compulsory Measures Against Obstruction of Civil Proceedings . . . 13

Chapter XI — Litigation Expenses . . . 15

Part II — Trial Procedure . . . 15

Chapter XII — Ordinary Procedure of First Instance . . . 15

Chapter XIII — Summary Procedure . . . 19

Chapter XIV — Small Claims Procedure . . . 20

Chapter XV — Procedure of Second Instance . . . 20

Chapter XVI — Special Procedure . . . 22

Chapter XVII — Procedure for Trial Supervision . . . 24

Chapter XVIII — Procedure for Expedited Debt Recovery . . . 26

Source: https://www.danyoungcpa.com/civil-procedure-law-of-the-peoples-republic-of-china-full-english-translation-2023-amendment/

Chapter XIX — Procedure for Publicizing Public Notice 27

Part III — Procedure for Enforcement 28

Chapter XX — General Provisions on Enforcement 28

Chapter XXI — Application for Enforcement and Transfer for Enforcement 29

Chapter XXII — Enforcement Measures 31

Chapter XXIII — Suspension and Termination of Enforcement 32

Part IV — Special Provisions on Foreign-Related Civil Procedure 33

Chapter XXIV — General Principles 33

Chapter XXV — Jurisdiction 34

Chapter XXVI — Service and Time Periods 34

Chapter XXVII — Judicial Assistance 35

Table of Contents

- Chapter I — Tasks, Scope of Application and Basic Principles
- Chapter II — Jurisdiction
- Chapter III — Trial Organization
- Chapter IV — Withdrawal
- Chapter V — Participants in Proceedings
- Chapter VI — Evidence
- Chapter VII — Time Periods and Service
- Chapter VIII — Conciliation
- Chapter IX — Property Preservation and Advance Enforcement
- Chapter X — Compulsory Measures Against Obstruction of Civil Proceedings
- Chapter XI — Litigation Expenses
- Chapter XII — Ordinary Procedure of First Instance
- Chapter XIII — Summary Procedure
- Chapter XIV — Small Claims Procedure
- Chapter XV — Procedure of Second Instance
- Chapter XVI — Special Procedure
- Chapter XVII — Procedure for Trial Supervision
- Chapter XVIII — Procedure for Expedited Debt Recovery
- Chapter XIX — Procedure for Publicizing Public Notice
- Chapter XX — General Provisions on Enforcement

- Chapter XXI — Application for Enforcement and Transfer for Enforcement
- Chapter XXII — Enforcement Measures
- Chapter XXIII — Suspension and Termination of Enforcement
- Chapter XXIV — General Principles
- Chapter XXV — Jurisdiction
- Chapter XXVI — Service and Time Periods
- Chapter XXVII — Judicial Assistance

Chapter I — Tasks, Scope of Application and Basic Principles

Article 1. The Civil Procedure Law of the People's Republic of China is formulated on the basis of the Constitution and in light of China's experience in handling civil cases and actual conditions, for the purpose of protecting the exercise of litigation rights by the parties, ensuring the ascertainment of facts by the people's courts, distinguishing right from wrong, correctly applying the law, promptly handling civil cases, confirming the relationship between civil rights and obligations, imposing sanctions on civil violations, protecting the legitimate rights and interests of the parties, educating citizens to voluntarily abide by the law, safeguarding social and economic order, and guaranteeing the smooth progress of socialist construction.

Article 2. The provisions of this Law shall apply to civil litigation brought by the people's courts in respect of disputes over property relations and personal relations between citizens, legal persons, other organizations and among them.

Article 3. In civil proceedings, the people's courts shall exercise judicial power independently in accordance with the law, and shall not be subject to interference by administrative organs, public organizations or individuals.

Article 4. In civil proceedings, the people's courts shall take facts as the basis and law as the criterion.

Article 5. Foreign nationals, stateless persons, foreign enterprises and organizations that institute or respond to proceedings in the people's courts shall have the same litigation rights and obligations as citizens, legal persons and other organizations of the People's Republic of China. Where the courts of a foreign country impose restrictions on the civil litigation rights of citizens, legal persons and other organizations of the People's Republic of China, the people's courts of the People's Republic of China shall apply the principle of reciprocity to the civil litigation rights of citizens, enterprises and organizations of that country.

Article 6. In civil proceedings, the parties shall have equal litigation rights. In the trial of civil cases, the people's courts shall safeguard and facilitate the exercise of litigation rights by the parties, and shall treat all parties equally in the application of law.

Article 7. In the trial of civil cases, the people's courts shall practice a system of mediation and judgment, and shall encourage the parties to reach a settlement through mediation on a voluntary basis. Where mediation fails, a judgment shall be rendered in a timely manner.

Article 8. In the trial of civil cases, the people's courts shall practice a system of public trial in accordance with legal provisions. Cases involving state secrets, personal privacy, or otherwise provided by law shall not be heard in public. Divorce cases and cases involving trade secrets may be heard in camera upon application by the parties.

Article 9. In the trial of civil cases, the people's courts shall practice a system of collegiate bench, withdrawal, and final adjudication after two trials in accordance with legal provisions.

Article 10. All citizens, legal persons and other organizations of all ethnic groups shall have the right to use their own spoken and written languages in civil proceedings. In areas where a minority ethnic group lives in a concentrated community or where several ethnic groups live together, the people's courts shall conduct

Source: https://www.danyoungcpa.com/civil-procedure-law-of-the-peoples-republic-of-china-full-english-translation-2023-amendment/

hearings and issue legal documents in the spoken and written languages commonly used by the local ethnic group or groups. The people's courts shall provide interpretation for participants in proceedings who are not familiar with the spoken and written languages commonly used by the local ethnic group or groups.

Article 11. In civil proceedings, the parties shall have the right to debate.

Article 12. The parties shall have the right, within the scope prescribed by law, to dispose of their own civil rights and litigation rights.

Article 13. The people's procuratorates shall have the right to exercise legal supervision over civil proceedings.

Article 14. Where an entity or individual whose civil rights and interests have been infringed may, in accordance with legal provisions, support the injured entity or individual in bringing a lawsuit before the people's court. State organs and public organizations may support the injured entity or individual in bringing a lawsuit before the people's court where harm is caused to the state or the collective interest.

Article 15. The people's courts shall hear civil cases in accordance with legal provisions and may, in accordance with legal provisions, conduct online litigation activities. Online litigation activities shall have the same legal effect as offline litigation activities.

Article 16. Where any ethnic autonomous region has enacted adaptive or supplementary provisions in accordance with the provisions of the Constitution and this Law, such provisions shall apply. Where this Law contains no provisions, the adaptive or supplementary provisions enacted by the ethnic autonomous region shall apply.

Article 17. This Law shall apply to civil litigation within the territory of the People's Republic of China. Where international treaties concluded or acceded to by the People's Republic of China provide otherwise, the provisions of such international treaties shall apply, except for those clauses on which the People's Republic of China has declared reservations.

Chapter II — Jurisdiction

Article 18. The basic people's courts shall have jurisdiction as courts of first instance over civil cases, unless otherwise provided by this Law.

Article 19. The intermediate people's courts shall have jurisdiction as courts of first instance over the following civil cases: (1) major cases involving foreign elements; (2) cases that have a major impact within their respective jurisdictions; and (3) cases that the Supreme People's Court determines shall be under the jurisdiction of the intermediate people's courts.

Article 20. The high people's courts shall have jurisdiction as courts of first instance over civil cases that have a major impact within their respective jurisdictions.

Article 21. The Supreme People's Court shall have jurisdiction as the court of first instance over the following civil cases: (1) cases that have a major impact on the whole country; and (2) cases that the Supreme People's Court deems should be tried by itself.

Article 22. A civil lawsuit brought against a citizen shall be under the jurisdiction of the people's court at the place where the defendant is domiciled. Where the defendant's domicile is different from his habitual residence, the case shall be under the jurisdiction of the people's court at the place of his habitual residence. A civil lawsuit brought against a legal person or other organization shall be under the jurisdiction of the people's court at the place where the defendant is domiciled. Where the domiciles or habitual residences of several defendants in the same lawsuit fall within the jurisdictions of two or more people's courts, each of those people's courts shall have jurisdiction.

Article 23. The following civil lawsuits shall be under the jurisdiction of the people's court at the place where the plaintiff is domiciled; where the plaintiff's domicile is different from his habitual residence, the case shall be under the jurisdiction of the people's court at the place of the plaintiff's habitual residence: (1) a lawsuit concerning the status of persons not domiciled within the territory of the People's Republic of China; (2) a lawsuit concerning the status of a person whose whereabouts are unknown or who has been declared missing; (3) a lawsuit brought against a person subjected to compulsory educational measures; and (4) a lawsuit brought against a person who is imprisoned.

Article 24. A lawsuit arising from a contractual dispute shall be under the jurisdiction of the people's court at the place where the defendant is domiciled or at the place where the contract is performed.

Article 25. A lawsuit arising from an insurance contract dispute shall be under the jurisdiction of the people's court at the place where the defendant is domiciled or at the place where the insured subject matter is located.

Article 26. A lawsuit arising from a negotiable instrument dispute shall be under the jurisdiction of the people's court at the place where the instrument is paid or at the place where the defendant is domiciled.

Article 27. A lawsuit arising from a dispute over a company's establishment, confirmation of shareholder qualifications, distribution of profits, dissolution or other organizational matters shall be under the jurisdiction of the people's court at the place where the company is domiciled.

Article 28. A lawsuit arising from a dispute over a railway, road, water, or air transportation contract, or over a combined transportation contract, shall be under the jurisdiction of the people's court at the place of departure, the place of destination, or the place where the defendant is domiciled.

Article 29. A lawsuit arising from a tortious act shall be under the jurisdiction of the people's court at the place where the tortious act is committed or at the place where the defendant is domiciled.

Article 30. A lawsuit arising from a claim for compensation for damage caused by a railway, road, water, or air transportation accident shall be under the jurisdiction of the people's court at the place where the accident occurred, the place where the vehicle or vessel first arrived, the place where the aircraft first landed, or the place where the defendant is domiciled.

Article 31. A lawsuit arising from a claim for compensation for damage caused by a ship collision or any other maritime accident shall be under the jurisdiction of the people's court at the place where the collision occurred, the place where the colliding ship first arrived after the collision, the place where the ship at fault was distrained, or the place where the defendant is domiciled.

Article 32. A lawsuit arising from a claim for maritime salvage shall be under the jurisdiction of the people's court at the place where the salvage took place or the place where the salvaged ship first arrived after the salvage.

Article 33. A lawsuit arising from a claim for general average shall be under the jurisdiction of the people's court at the place where the ship first arrived, the place where the general average adjustment was conducted, or the place where the voyage ended.

Article 34. The following cases shall be under the exclusive jurisdiction of the people's courts specified in this Article: (1) a lawsuit arising from a dispute over a real property shall be under the jurisdiction of the people's court at the place where the real property is located; (2) a lawsuit arising from a dispute over harbor operations shall be under the jurisdiction of the people's court at the place where the harbor is located; and (3) a lawsuit arising from a dispute over inheritance shall be under the jurisdiction of the people's court at the place where the decedent was domiciled at the time of death or at the place where the principal part of the estate is located.

Source: https://www.danyoungcpa.com/civil-procedure-law-of-the-peoples-republic-of-china-full-english-translation-2023-amendment/

Article 35. Where two or more people's courts have jurisdiction over a lawsuit, the plaintiff may bring the lawsuit before any one of them. Where the plaintiff brings the lawsuit before two or more people's courts that have jurisdiction, the people's court that first accepts the case shall have jurisdiction.

Article 36. The parties may agree in writing to choose the people's court at the place where the defendant is domiciled, where the contract is performed, where the contract is concluded, where the plaintiff is domiciled, where the subject matter is located, or any other place that has an actual connection with the dispute, provided that such choice does not contravene the provisions of this Law regarding jurisdiction by level and exclusive jurisdiction.

Article 37. Where a people's court discovers that a case accepted by it is not under its jurisdiction, it shall transfer the case to the people's court that has jurisdiction. The transferee people's court shall accept the case. Where the transferee people's court considers that the transferred case is not under its jurisdiction in accordance with relevant provisions, it shall report to the people's court at the next higher level for designation of jurisdiction and shall not transfer the case on its own initiative.

Article 38. Where a people's court with jurisdiction is unable to exercise its jurisdiction due to special reasons, its superior people's court shall designate another people's court to exercise jurisdiction. Where a dispute arises between people's courts over jurisdiction, it shall be resolved by the disputing parties through consultation. Where consultation fails, the dispute shall be reported to the common superior people's court for designation of jurisdiction.

Article 39. A people's court at a higher level shall have the right to try as a court of first instance a civil case over which a people's court at a lower level has jurisdiction. Where a people's court at a lower level deems it necessary for a civil case over which it has jurisdiction as a court of first instance to be tried by a people's court at a higher level, it may request that the case be transferred to the people's court at the next higher level for trial.

Chapter III — Trial Organization

Article 40. In the trial of civil cases by the people's courts, a collegial bench shall be formed in accordance with legal provisions. In the trial of first instance civil cases by a people's court, a collegial bench consisting of both judges and people's assessors, or consisting solely of judges, shall be formed. The number of members of a collegial bench must be an odd number. Civil cases tried by summary procedure shall be tried by a single judge alone. The provisions of this Law shall apply to the exercise of judicial power by a single judge.

Article 41. In the trial of second instance civil cases by a people's court, a collegial bench consisting of judges shall be formed. The number of members of a collegial bench must be an odd number. For retrial cases, a collegial bench shall be formed separately according to whether the case is tried under the procedure of first instance or second instance. Where the original trial was conducted by a collegial bench, a new collegial bench shall be formed for retrial.

Article 42. The president of the court or the chief judge of a division shall designate one judge to serve as the presiding judge. Where the president of the court or the chief judge of a division personally participates in a trial, he shall serve as the presiding judge himself.

Article 43. In the deliberation of a case by a collegial bench, the principle of majority rule shall apply. The minority opinion shall be recorded in the deliberation transcript, which shall be signed by all members of the collegial bench.

Article 44. Judges shall handle cases impartially and in accordance with the law. Judges shall not accept any treat or gift from the parties or their agents ad litem, and shall not meet with the parties or their agents ad litem in violation of relevant provisions. Judges who have accepted bribes, practiced favoritism, or perverted

Source: https://www.danyoungcpa.com/civil-procedure-law-of-the-peoples-republic-of-china-full-english-translation-2023-amendment/

the law in the handling of cases shall be subject to legal liability in accordance with the law. Where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 45. Where a people's court tries a civil case, the litigation activities conducted online and offline shall have the same legal effect. A people's court may, taking into account factors such as the circumstances of the case and the wishes of the parties, decide whether to conduct online or offline litigation activities.

Article 46. Where a collegial bench is to hold a deliberation, all members of the bench shall participate. Where a member of the bench cannot participate in the deliberation, alternate arrangements shall be made. The presiding judge shall convene and preside over the deliberation, and the judges thereof shall independently express their opinions and exercise the right to vote.

Article 47. A judge shall be accountable for the cases he or she handles in accordance with the law. The people's court shall strengthen internal supervision and shall investigate any judge who violates the law in case handling and impose liability in accordance with the law.

Chapter IV — Withdrawal

Article 48. A judge shall voluntarily withdraw from a case, and a party shall have the right to apply for the withdrawal of a judge orally or in writing, under any of the following circumstances: (1) the judge is a party to the case or a close relative of a party or an agent ad litem; (2) the judge has an interest in the case; (3) the judge has some other relationship with a party or an agent ad litem to the case that may affect the impartial adjudication of the case; or (4) the judge has met with a party or an agent ad litem in violation of relevant provisions, or has accepted a treat or gift from a party or an agent ad litem. The provisions of the preceding paragraph shall also apply to court clerks, interpreters, expert examiners and inspectors.

Article 49. Where a party applies for withdrawal, it shall state the reasons and submit the application at the beginning of the court session. Where the party becomes aware of the grounds for withdrawal only after the commencement of the court session, the application may be submitted before the conclusion of court debate. Pending a decision by the people's court on the application for withdrawal, the person against whom the application is filed shall suspend participation in the case, except where emergency measures need to be taken.

Article 50. The withdrawal of the president of the court serving as the presiding judge shall be decided by the judicial committee. The withdrawal of a judge shall be decided by the president of the court. The withdrawal of other personnel shall be decided by the presiding judge.

Article 51. Where a people's court renders a decision on an application for withdrawal orally or in writing within three days of the application being submitted, the applicant may apply for reconsideration once if dissatisfied with the decision. During the period of reconsideration, the person against whom the application for withdrawal is filed shall not suspend participation in the case. The people's court shall render a decision on the application for reconsideration within three days and notify the applicant of the reconsideration decision.

Article 52. Where a judicial officer should have recused himself or herself but failed to do so in violation of the law, the judgment or ruling rendered shall be revoked in accordance with the law.

Chapter V — Participants in Proceedings

Article 53. Citizens, legal persons and other organizations may serve as parties to civil litigation. Legal persons shall be represented by their legal representatives in litigation. Other organizations shall be represented in litigation by their principal responsible persons.

Article 54. The parties shall have the right to appoint agents, apply for withdrawal, collect and present evidence, debate, request mediation, file appeals, and apply for enforcement. The parties may inspect the

Source: https://www.danyoungcpa.com/civil-procedure-law-of-the-peoples-republic-of-china-full-english-translation-2023-amendment/

case materials and copy the case materials and legal documents related to the case. The scope of and measures for inspecting and copying case materials shall be prescribed by the Supreme People's Court. The parties must exercise their litigation rights in accordance with the law, comply with the order of litigation, and perform the obligations under legally effective judgments, rulings and conciliation statements.

Article 55. The parties may reach a settlement on their own. The scope of the settlement shall be subject to the parties' voluntary decision.

Article 56. Where the plaintiff and the defendant may settle or the basic facts of the case are clear, the people's court may, with the consent of the parties, conduct pre-litigation mediation. Where a settlement is reached through mediation, the people's court shall prepare a conciliation statement.

Article 57. Where a party to a joint lawsuit has common rights and obligations with respect to the subject matter of the action, and the litigation act of one of the joint parties is recognized by the other joint parties, such act shall be binding on all the joint parties. Where a party to a joint lawsuit has no common rights and obligations with respect to the subject matter of the action but the subject matter of the action is of the same type and the people's court considers that the lawsuits may be tried together, such joint lawsuit may be formed with the consent of the parties. In such case, the litigation act of one of the joint parties shall not be binding on the other joint parties.

Article 58. Where a party to a joint lawsuit is numerous, the parties may elect representatives to conduct the litigation. The litigation acts of such representatives shall be binding on the parties they represent, except that any modification or waiver of claims, recognition of the claims of the opposing party, or settlement must be consented to by the parties represented. Where the subject matters of the action are of the same type and the parties to one side are numerous but the exact number is uncertain at the time the lawsuit is filed, the people's court may issue a public notice stating the facts of the case and the claims, and notify the right holders to register with the court within a specified period. The right holders who have registered with the people's court may elect representatives for the litigation. Where no representative is elected, the people's court may, after consultation with the registered right holders, designate representatives. The litigation acts of such representatives shall be binding on the parties they represent, except that any modification or waiver of claims, recognition of the claims of the opposing party, or settlement must be consented to by the parties represented. A judgment or ruling rendered by the people's court shall be binding on all right holders who have registered. Such judgment or ruling shall also apply to right holders who have not registered but file lawsuits within the period of limitation of action.

Article 59. A person without litigation capacity shall have his guardian or guardians as his legal representative to represent him in litigation. Where the legal representatives shift their duties onto each other, the people's court shall designate one of them to represent the person in litigation.

Article 60. A party or a legal representative may appoint one or two persons to serve as agents ad litem. The following persons may be appointed as agents ad litem: (1) lawyers and basic-level legal service workers; (2) close relatives or staff members of the party; and (3) citizens recommended by the community, the entity to which the party belongs, or a relevant public organization. A party or legal representative appointing another person as an agent ad litem shall submit to the people's court a power of attorney signed or sealed by the appointing party. The power of attorney must specify the scope of authorization. An agent ad litem shall have special authorization from the appointing party for any recognition, waiver or modification of claims, settlement, or filing of a counterclaim or appeal. A power of attorney mailed or submitted by a party of the People's Republic of China from abroad must be authenticated by the embassy or consulate of the People's Republic of China in the relevant country. Where the country has no embassy or consulate of the People's Republic of China, the authentication shall be conducted by the embassy or consulate of a third country having diplomatic relations with the People's Republic of China, and subsequently transmitted to the embassy or consulate of the People's Republic of China in that third country for authentication; alternatively, it may be authenticated by the local patriotic overseas Chinese organization.

Source: https://www.danyoungcpa.com/civil-procedure-law-of-the-peoples-republic-of-china-full-english-translation-2023-amendment/

Article 61. With respect to a divorce case where an agent ad litem has been appointed, the party himself shall still appear in court, unless he is unable to express his own will. Where a party is indeed unable to appear in court due to special reasons, he must submit a written opinion to the people's court.

Article 62. Lawyers and other agents ad litem shall have the right to investigate and collect evidence, and may inspect the case materials related to the case. The scope of and measures for inspecting case materials shall be prescribed by the Supreme People's Court.

Chapter VI — Evidence

Article 63. Evidence shall include the following: (1) statements of the parties; (2) documentary evidence; (3) physical evidence; (4) audio-visual materials; (5) electronic data; (6) testimony of witnesses; (7) expert opinions; and (8) records of inspection. Evidence must be verified before it may be used as a basis for finding facts.

Article 64. A party shall have the obligation to present evidence to support its claims. Where a party is unable to collect evidence on its own due to objective reasons, or where the people's court deems it necessary to examine and collect certain evidence, the people's court shall investigate and collect such evidence. The people's court shall fully and objectively examine and verify evidence in accordance with statutory procedures.

Article 65. The people's court shall investigate and collect evidence in accordance with statutory procedures. This may include on-site inspection, summoning witnesses, commissioning expert examination, and preserving evidence. With respect to evidence that may be lost or difficult to obtain in the future, the participants in the proceedings may apply to the people's court for preservation of evidence, and the people's court may also take preservation measures on its own initiative.

Article 66. The people's court shall serve a notice of proof on the parties, specifying the allocation of the burden of proof among the parties and their rights and obligations related to proof, within a time limit for presenting evidence. The parties shall present evidence to the people's court within the prescribed time limit. Where a party has genuine difficulty presenting evidence within the prescribed time limit, it may apply to the people's court for an extension, and the people's court may grant an extension as appropriate. Where a party fails to present evidence within the prescribed time limit without justifiable reasons, the people's court may, depending on the circumstances, refuse to admit such evidence or admit such evidence but issue a warning or impose a fine.

Article 67. After receiving the statements of claim or statements of defense submitted by the parties, the people's court shall serve copies thereof on the opposing party.

Article 68. Evidence shall be presented during court sessions and cross-examined by the parties. Evidence that involves state secrets, trade secrets or personal privacy shall be kept confidential. Where such evidence needs to be presented during a court session, it shall not be presented at an open court session.

Article 69. The people's court shall note the evidence and cross-examination in the court record, and the parties shall have the right to examine and duplicate the court record. Where a party considers that there are omissions or errors in the court record, it shall have the right to request supplementation or correction. Where the request is not granted, it shall be recorded in the case file.

Article 70. Documentary evidence shall be presented in its original form. Physical evidence shall be presented in its original form. Where presenting the original documentary evidence or physical evidence is genuinely difficult, reproductions, photographs, copies or abridgments may be presented. Where documentary evidence is in a foreign language, a Chinese translation must be provided.

Article 71. Audio-visual materials presented by the people's court as evidence shall be played in court and verified through cross-examination by the parties.

Article 72. All entities and individuals who have knowledge of the circumstances of a case shall have the obligation to testify in court. The responsible person of the relevant entity shall support a witness in testifying. A person who is unable to express his or her will correctly shall not testify.

Article 73. A witness shall appear in court to testify, unless he or she is unable to appear in court due to health reasons, long distance and inconvenient transportation, force majeure such as natural disasters, or other justifiable reasons. Where a witness is unable to appear in court under the circumstances specified in the preceding paragraph, he or she may testify in writing, by audio-visual transmission technology, by audio-visual materials, or by other means, with the permission of the people's court.

Article 74. The traveling expenses, room and board, and other necessary expenses incurred by a witness in performing his or her obligation to testify, as well as loss of working time, shall be borne by the losing party. Where a party applies for a witness to testify, the party shall advance such expenses. Where the people's court notifies a witness to testify on its own initiative, such expenses shall be advanced by the people's court and shall be included in the litigation expenses.

Article 75. The people's court shall examine the statements of the parties in conjunction with other evidence in the case and shall determine whether such statements may be used as a basis for finding facts. Where a party refuses to appear in court without justifiable reasons, or leaves the court session without permission, the people's court may determine the facts on the basis of existing evidence.

Article 76. Where a party may apply to the people's court for an expert examination on a specialized issue involved in ascertaining the facts of the case, the people's court shall grant permission. Where a party applies for an expert examination but the parties are unable to agree on the selection of an expert examiner, the people's court shall designate one. Where the parties fail to apply for an expert examination but the people's court considers that an expert examination is necessary for a specialized issue, the people's court shall commission a qualified expert examiner to conduct the expert examination. The expert examiner may, upon application by a party or upon notice by the people's court, appear in court with respect to the expert opinion rendered by him or her.

Article 77. An expert examiner shall have the right to access the case materials necessary for conducting the expert examination. The expert examiner shall, upon application by a party or upon notice by the people's court, appear in court to answer inquiries concerning the expert opinion. Where the expert examiner refuses to appear in court after being notified by the people's court without justifiable reasons, the expert opinion shall not serve as a basis for finding facts. The party may request the return of expert examination fees already paid.

Article 78. Where a party has objections to an expert opinion, or the people's court considers it necessary for the expert examiner to appear in court, the expert examiner shall appear in court to testify. Where the expert examiner refuses to appear in court after being notified by the people's court, the expert opinion shall not serve as a basis for finding facts. The party requesting the expert examination may request the return of the expert examination fees paid.

Article 79. Where a party may apply to the people's court for notifying a person with specialized knowledge to appear in court and provide an opinion on the expert opinion rendered by the expert examiner or on a specialized issue. The relevant provisions on expert examiners shall apply to the person with specialized knowledge appearing in court at the request of the parties.

Article 80. Where the people's court considers it necessary for inspecting physical evidence or a site, the inspector shall produce the certificate of the people's court, and invite the local basic-level organization or the entity to which the party belongs to send personnel to be present. The party or an adult family member of the party shall be present. Refusal to be present shall not affect the conduct of the inspection. The relevant entity and individual shall, in accordance with the notice of the people's court, have the obligation to protect the site and assist in the inspection work. The inspector shall prepare a written record of the inspection,

which shall be signed or sealed by the inspector, the party and the invited participants.

Article 81. Where evidence may be lost or difficult to obtain in the future, a participant in the proceedings may apply to the people's court for preservation of evidence, and the people's court may also take preservation measures on its own initiative. Where the circumstances are urgent and evidence may be lost or difficult to obtain in the future, an interested party may, prior to filing a lawsuit or applying for arbitration, apply to the people's court at the place where the evidence is located, the place where the respondent is domiciled, or the people's court with jurisdiction over the case, for preservation of evidence. In preserving evidence, the people's court may require the applicant to provide security. Where the applicant fails to provide security, the application shall be rejected. After accepting an application, the people's court must render a ruling within 48 hours. Where the people's court rules to take preservation measures, such measures shall be executed immediately. Where the applicant fails to file a lawsuit or apply for arbitration within 30 days after the people's court has taken preservation measures, the people's court shall lift the preservation measures.

Chapter VII — Time Periods and Service

Article 82. Time periods shall be calculated by the hour, day, month and year. The day on which the time period commences shall not be counted in the time period. Where the commencement of a time period is expressed in hours, calculation shall commence from the next hour. Where the last day of a time period falls on a statutory holiday, the first day after the holiday shall be the expiration date. A time period shall not include the time in transit. A litigation document mailed before the expiration of the time period shall not be deemed overdue.

Article 83. Where a party fails to meet a time limit due to force majeure or other justifiable reasons, it may apply for an extension of the time limit within 10 days after the obstacle is removed. The people's court shall decide whether to grant the extension.

Article 84. Litigation documents shall be served with a certificate of service, and the person on whom service is to be made shall note the date of receipt on the certificate and sign or seal it. The date indicated by the person on whom service is made on the certificate of service shall be the date of service.

Article 85. Litigation documents shall be served directly on the person on whom service is to be made. Where the person on whom service is to be made is a citizen, where the citizen is not present, the service shall be made on an adult family member living with him or her who signs for the documents. Where the person on whom service is to be made is a legal person or other organization, the legal representative of the legal person, the principal responsible person of the organization, or the person responsible for receiving documents of the legal person or organization shall sign for the documents. Where the person on whom service is to be made has an agent ad litem, the documents may be served on the agent ad litem who signs for them. Where the person on whom service is to be made has designated a person to receive documents on his or her behalf, service may be made on such designated person who signs for them.

Article 86. Where a litigation document can be served by electronic means such as fax or email, such means may be used for service. However, a judgment, ruling or conciliation statement shall not be served by electronic means unless the person on whom service is to be made agrees. Where service is made by electronic means, the date when the document reaches the recipient's specific system shall be the date of service.

Article 87. Where direct service of litigation documents is difficult, service may be entrusted to another people's court, or service may be made by mail. Where service is made by mail, the date of receipt noted on the return receipt shall be the date of service.

Article 88. Where the person on whom service is to be made is a serviceman on active military duty, service shall be made through the political organ of the entity at or above the regimental level to which the serviceman belongs.

Source: https://www.danyoungcpa.com/civil-procedure-law-of-the-peoples-republic-of-china-full-english-translation-2023-amendment/

Article 89. Where the person on whom service is to be made is serving a prison sentence, service shall be made through the prison authorities. Where the person on whom service is to be made is subjected to compulsory educational measures, service shall be made through the compulsory educational institution.

Article 90. An entity or individual receiving litigation documents on behalf of the person on whom service is to be made shall, after signing for the documents, immediately forward them to the person on whom service is to be made. Refusal to sign for the documents shall be indicated on the certificate of service by the person making the service and a person present as a witness, and the documents shall be left at the place, whereupon service shall be deemed completed.

Article 91. Where the whereabouts of the person on whom service is to be made are unknown, or service cannot be made by other means specified in this Section, service shall be made by public notice. Service by public notice shall be deemed completed 30 days after the date on which the public notice is issued. In special circumstances such as foreign-related cases, service by public notice shall be deemed completed 60 days after the date on which the public notice is issued.

Article 92. Where service is made by public notice, the people's court shall record the reasons for such service and the procedure followed in the case file.

Chapter VIII — Conciliation

Article 93. In the trial of civil cases, the people's court shall distinguish right from wrong and conduct conciliation based on the voluntary participation of the parties and on the basis of clear facts.

Article 94. Conciliation in a people's court may be presided over by a single judge or by a collegial bench, and shall be conducted locally whenever possible. In conciliation, the people's court may notify the parties and witnesses to appear in court in a simple manner.

Article 95. The people's court may invite relevant entities or individuals to assist in conciliation. The invited entities or individuals shall assist the people's court in conducting conciliation.

Article 96. Conciliation agreements shall be reached on a voluntary basis and shall not be coerced. The content of a conciliation agreement shall not contravene the law.

Article 97. Where a conciliation agreement is reached, the people's court shall prepare a conciliation statement. The conciliation statement shall state the claims, the facts of the case, and the result of conciliation. The conciliation statement shall be signed by the judge and the court clerk, sealed by the people's court, and served on the parties. The conciliation statement shall become legally effective upon receipt by the parties after their signatures.

Article 98. In the following cases, where the parties reach an agreement through conciliation, the people's court may not prepare a conciliation statement: (1) divorce cases where the parties have reconciled through conciliation; (2) cases where an adoptive relationship has been maintained through conciliation; (3) cases where the obligations can be performed immediately; and (4) other cases where it is not necessary to prepare a conciliation statement. Where a conciliation statement is not required, the conciliation agreement shall be recorded in the case file, and shall become legally effective upon signature or sealing by the parties, the judge and the court clerk.

Article 99. Where conciliation fails to reach an agreement, or where a party repudiates the agreement before the conciliation statement is served, the people's court shall render a judgment in a timely manner.

Chapter IX — Property Preservation and Advance Enforcement

Article 100. Where the enforcement of a judgment may become impossible or difficult as a result of the act of one of the parties or for other reasons, the people's court may, upon application of the opposing party, rule to take property preservation measures against the property of the party. Where the opposing party fails to file

Source: https://www.danyoungcpa.com/civil-procedure-law-of-the-peoples-republic-of-china-full-english-translation-2023-amendment/

an application, the people's court may, when necessary, also rule to take property preservation measures. In taking property preservation measures, the people's court may require the applicant to provide security. Where the applicant fails to provide security, the application shall be rejected. After accepting an application, the people's court must render a ruling within 48 hours where the circumstances are urgent. Where the people's court rules to take property preservation measures, such measures shall be executed immediately.

Article 101. Where an interested party, in urgent circumstances, will suffer irreparable damage to its legitimate rights and interests if it fails to apply for property preservation immediately, it may, prior to filing a lawsuit or applying for arbitration, apply to the people's court at the place where the property to be preserved is located, the place where the respondent is domiciled, or the people's court with jurisdiction over the case, for property preservation measures. The applicant shall provide security. Where the applicant fails to provide security, the application shall be rejected. After accepting an application, the people's court must render a ruling within 48 hours. Where the people's court rules to take preservation measures, such measures shall be executed immediately. Where the applicant fails to file a lawsuit or apply for arbitration within 30 days after the people's court has taken preservation measures, the people's court shall lift the preservation measures.

Article 102. Property preservation shall be limited to the scope of the claim or the property involved in the case. Property preservation measures shall include seizure, attachment, freezing, or other means prescribed by law. After property has been preserved, the people's court shall immediately notify the party whose property has been preserved. Property that has been seized, attached or frozen shall not be seized, attached or frozen again.

Article 103. Where a party's property is preserved and the case is subsequently transferred to another people's court, the list of preserved property shall be delivered together with the case file. The people's court receiving the case shall continue the property preservation.

Article 104. Where the respondent provides security, the people's court shall lift the property preservation. Where the applicant applies for lifting the property preservation, the people's court shall lift the property preservation.

Article 105. Where an application for property preservation is made in error, the applicant shall compensate the respondent for the losses suffered as a result of the property preservation.

Article 106. The people's court may, upon application of a party, rule to enforce in advance the following cases: (1) cases involving claims for alimony, child support, support for parents, pension, and medical expenses; (2) cases involving claims for labor remuneration; and (3) other cases where advance enforcement is urgently needed due to special circumstances. The people's court may require the applicant to provide security. Where the applicant fails to provide security, the application shall be rejected. Where the applicant loses the case, the applicant shall compensate the respondent for any property losses suffered as a result of the advance enforcement.

Article 107. The people's court shall render a ruling on advance enforcement if the following conditions are satisfied: (1) the rights and obligations between the parties are clear, and failure to enforce in advance would seriously affect the applicant's livelihood or business operations; and (2) the respondent is capable of performing.

Article 108. Where a party is dissatisfied with a ruling on property preservation or advance enforcement, it may apply for reconsideration once. The execution of the ruling shall not be suspended during the period of reconsideration.

Chapter X — Compulsory Measures Against Obstruction of Civil Proceedings

Article 109. The people's court may, in accordance with the seriousness of the circumstances, issue a summons by warrant, reprimand, order the signing of a statement of repentance, impose a fine, or detain a person who commits any of the following acts: (1) forging or destroying important evidence that would hinder the people's court from trying a case; (2) preventing witnesses from testifying by violence, threat or bribery, or instigating, bribing or coercing others to give false testimony; (3) concealing, transferring, selling or destroying property that has been seized or attached, or transferring property that has been inventoried on order, or transferring property that has been frozen; (4) insulting, slandering, framing, beating or retaliating against judicial personnel, participants in proceedings, or persons who assist in the execution of judgments; (5) obstructing judicial personnel in the performance of their duties by violence, threat or other means; or (6) refusing to comply with a legally effective judgment or ruling of the people's court. Where an entity commits any of the acts specified in the preceding paragraph, the people's court may impose a fine on its principal responsible person or the person directly responsible, and may also detain such persons. Where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 110. A fine imposed on an individual shall not exceed RMB 100,000. A fine imposed on an entity shall not be less than RMB 50,000 and not more than RMB 1,000,000. The period of detention shall not exceed 15 days. A person under detention shall be turned over by the people's court to the public security organ for custody. The people's court may decide to release the detained person early if the person admits and corrects the error during the period of detention.

Article 111. Summons by warrant, fine and detention must be approved by the president of the people's court. A summons by warrant shall be issued in written form. A decision on fine or detention shall be made in written form. Where the person concerned is dissatisfied with the decision, he or she may apply to the people's court at the next higher level for reconsideration once. The execution of the decision shall not be suspended during the period of reconsideration.

Article 112. Where a participant in proceedings or any other person commits any of the acts listed in Article 109 of this Law and the act constitutes a crime, the judicial personnel may take the offender into custody directly or transfer the offender to the public security organ for handling.

Article 113. Where a unit or individual that is obliged to assist in investigation or enforcement commits any of the following acts, the people's court may, in addition to ordering it to perform its obligation to assist, impose a fine: (1) refusing or obstructing the people's court in investigating and collecting evidence from the relevant unit; (2) after receiving a notice from the people's court for assistance in enforcement, refusing to assist in withholding or withdrawing the income of the person subject to enforcement, or handling the transfer of relevant property rights certificates, or transferring relevant negotiable instruments, certificates or other property; (3) refusing or obstructing the people's court from investigating the property of the person subject to enforcement after receiving the notice for assistance in investigation; or (4) refusing or obstructing the people's court from seizing, attaching, freezing, transferring or selling property after receiving the notice for assistance in enforcement.

Article 114. Where a person from a relevant unit that has the obligation to assist in investigation or enforcement commits any of the acts specified in the preceding Article, the people's court may, in addition to imposing a fine on the unit, impose a fine on its principal responsible person or the person directly responsible. Such persons may also be detained. Where a fine or detention is imposed, an application for reconsideration may be made to the people's court at the next higher level. The execution of the decision shall not be suspended during the period of reconsideration.

Article 115. Where a party maliciously colludes with another party to infringe upon the legitimate rights and interests of another party through litigation, conciliation, or other means, the people's court shall reject the request and impose a fine or detention in accordance with the circumstances. Where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Source: https://www.danyoungcpa.com/civil-procedure-law-of-the-peoples-republic-of-china-full-english-translation-2023-amendment/

Article 116. Where a person subject to enforcement maliciously colludes with another person to evade performance of obligations prescribed in a legal document through litigation, arbitration, conciliation, or other means, the people's court shall impose a fine or detention in accordance with the circumstances. Where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 117. Where a defendant who must appear in court refuses to appear without justifiable reasons after being summoned twice by the people's court, the people's court may issue a warrant to compel the defendant's appearance. Where a defendant in an action involving alimony, child support or support for parents who must appear in court refuses to appear without justifiable reasons after being summoned twice, the people's court may issue a warrant to compel appearance.

Chapter XI — Litigation Expenses

Article 118. The parties shall pay case acceptance fees and other litigation expenses for conducting civil litigation. In cases involving property, in addition to the case acceptance fee, other litigation expenses shall be paid in accordance with relevant provisions. Where a party has genuine difficulty paying litigation expenses, the party may apply to the people's court for a postponement, reduction or waiver of payment in accordance with relevant provisions. The measures for the payment of litigation expenses shall be separately prescribed.

Article 119. Litigation expenses shall be borne by the losing party, unless the winning party voluntarily bears such expenses. Where the case is partially won and partially lost, the people's court shall, in accordance with the specific circumstances, determine the proportion of litigation expenses to be borne by each party. In a joint lawsuit, the losing joint parties shall bear the litigation expenses in proportion to their respective interests in the subject matter of the action.

Article 120. Where the parties reach a settlement through conciliation, the burden of litigation expenses shall be determined by the parties through negotiation. Where negotiation fails, the burden shall be determined by the people's court. Where a plaintiff applies to withdraw the lawsuit, the case acceptance fee shall be borne by the plaintiff, with a half reduction. Where a plaintiff applies to withdraw the lawsuit in a case tried by summary procedure, the case acceptance fee shall be reduced.

Part II — Trial Procedure

Chapter XII — Ordinary Procedure of First Instance

Article 121. In filing a civil lawsuit, a statement of complaint shall be submitted to the people's court, and copies of the statement of complaint shall be provided according to the number of defendants. Where the plaintiff has genuine difficulty in preparing a written statement of complaint, the plaintiff may file the complaint orally, and the people's court shall make a record and notify the opposing party.

Article 122. A party filing a lawsuit must satisfy the following conditions: (1) the plaintiff is a citizen, legal person or other organization that has a direct interest in the case; (2) there is a specific defendant; (3) there is a specific claim, facts and reasons; and (4) the case falls within the scope of civil litigation accepted by the people's courts and the specific people's court with which the lawsuit is filed has jurisdiction.

Article 123. A statement of complaint shall clearly state the following: (1) the name, sex, age, ethnicity, occupation, work unit, domicile and contact information of the plaintiff, or the name and domicile of the legal person or other organization and the name and position of the legal representative or principal responsible person; (2) the information concerning the defendant, including name, sex, work unit, domicile and other information; (3) the claims and the facts and reasons on which the claims are based; and (4) the evidence and the source of evidence, as well as the names and domiciles of witnesses.

Source: https://www.danyoungcpa.com/civil-procedure-law-of-the-peoples-republic-of-china-full-english-translation-2023-amendment/

Article 124. The people's court shall, in accordance with legal provisions, protect the parties' right to file a lawsuit. A people's court shall accept and handle a lawsuit that satisfies the conditions specified in Article 122 of this Law. Where the conditions are not satisfied, it shall handle the matter under any of the following circumstances: (1) where the case falls under administrative litigation in accordance with the Administrative Procedure Law, the plaintiff shall be notified to file an administrative lawsuit; (2) where the parties have reached a written arbitration agreement and may not file a lawsuit with the people's court in accordance with the law, the plaintiff shall be notified to apply to the arbitration institution for arbitration; (3) where a dispute that should be handled by another organ in accordance with the law is involved, the plaintiff shall be notified to apply to the relevant organ for resolution; (4) where a people's court has no jurisdiction over the case, the plaintiff shall be notified to file the lawsuit with the people's court that has jurisdiction; (5) where a party files a lawsuit again in respect of a case in which a judgment, ruling or conciliation statement has already taken legal effect, the plaintiff shall be notified to file an application for retrial, except where the people's court has ruled to permit the withdrawal of the lawsuit; and (6) where a lawsuit that may not be filed within a certain period in accordance with the law is filed within such period, it shall not be accepted.

Article 125. A people's court shall, within seven days of receiving a statement of complaint, place the case on file if the conditions for filing a lawsuit are satisfied, and shall notify the parties. If the conditions are not satisfied, it shall, within seven days, issue a ruling refusing to accept the case; the plaintiff may appeal against the ruling.

Article 126. Where a people's court accepts a case and the parties have no dispute over the facts of the case, the case may be resolved through mediation. Where mediation fails, the case shall be transferred to trial in a timely manner.

Article 127. After accepting a case, the people's court shall, within five days, serve a copy of the statement of complaint on the defendant. Where trial is to be conducted by ordinary procedure, the case materials shall be delivered to the members of the collegial bench, and the members of the collegial bench shall review the litigation materials to ascertain the disputed issues. Where the collegial bench deems it necessary, it may convene a pre-trial conference to clarify the claims and defenses of the parties.

Article 128. A people's court shall, within five days of placing a case on file, serve a copy of the statement of complaint on the defendant. The defendant shall, within 15 days of receipt, file a statement of defense. The people's court shall, within five days of receiving the statement of defense, serve a copy of the statement of defense on the plaintiff. Failure by the defendant to file a statement of defense shall not affect the trial of the case by the people's court.

Article 129. After accepting a case, the people's court shall, upon examination of the parties' statements and the evidence presented, determine whether the conditions for a formal trial are satisfied. Where additional evidence is needed, the parties shall be notified to present evidence within a time limit.

Article 130. The people's court shall serve a notice of proof and a notice of court session on the parties and notify them of the relevant litigation rights and obligations. The notice of proof shall specify the allocation of the burden of proof, the requirements for proof, and the time limit for presenting evidence. The time limit for presenting evidence shall be determined by the people's court on the basis of the circumstances of the case. Extension may be granted upon application by a party.

Article 131. The people's court may, prior to the court session, conduct evidence exchange and organize pre-trial conferences. Pre-trial conferences may address the following matters: (1) whether to accept a defense of lack of jurisdiction; (2) clarification of the claims and defenses; (3) whether to conduct mediation; (4) whether to apply for withdrawal, preservation of evidence, or property preservation; (5) whether to commission an expert examination or inspection; and (6) other matters that need to be addressed.

Article 132. Where a people's court needs to investigate and collect evidence, it may do so on its own initiative or upon application by the parties. The people's court shall conduct investigation and evidence

collection in a timely manner and shall inform the parties of the results.

Article 133. Where a people's court needs to add parties, it shall notify the parties in a timely manner and serve a copy of the statement of complaint on the added parties. The added parties shall have the right to present their defenses and evidence.

Article 134. In the trial of civil cases by the people's courts, court sessions shall be held publicly, except for cases involving state secrets, personal privacy or otherwise provided by law. Divorce cases and cases involving trade secrets may be heard in camera upon application by the parties. For cases heard in public, the people's court shall announce the names of the parties, the cause of action, and the time and place of the court session.

Article 135. In the trial of civil cases by the people's courts, circuit trials may be conducted on the spot as needed.

Article 136. In the trial of civil cases by the people's courts, the people's court shall notify the parties and other participants in the proceedings three days prior to the court session. For cases heard in public, the names of the parties, the cause of action, and the time and place of the court session shall be publicly announced.

Article 137. Prior to the opening of a court session, the court clerk shall ascertain whether the parties and other participants in the proceedings are present and announce the rules of court order. At the opening of the court session, the presiding judge shall verify the identities of the parties, announce the cause of action, announce the names of the judges and the court clerk, inform the parties of their litigation rights and obligations, and ask the parties whether they wish to apply for the withdrawal of any person.

Article 138. A court investigation shall be conducted in the following order: (1) presentation by the parties of their statements; (2) notification of witnesses of their rights and obligations, testimony by witnesses, and reading of the written testimony of witnesses who have not appeared in court; (3) presentation of documentary evidence, physical evidence, audio-visual materials and electronic data; (4) reading of expert opinions; and (5) reading of inspection records.

Article 139. During a court session, a party may present new evidence. New evidence may be presented by the parties during the court investigation stage. With the permission of the court, the parties may question witnesses, expert examiners and inspectors. A party may move for a new expert examination or inspection. Whether to grant such motion shall be decided by the people's court.

Article 140. Where a plaintiff adds claims, a defendant files a counterclaim, or a third party files a claim related to the case, such claims may be tried together.

Article 141. Court debate shall be conducted in the following order: (1) oral statement by the plaintiff and the plaintiff's agent ad litem; (2) response by the defendant and the defendant's agent ad litem; (3) oral statement or response by a third party and the third party's agent ad litem; and (4) mutual debate. At the end of court debate, the presiding judge shall ask each party, the third party and their respective agents ad litem in turn for their final opinions.

Article 142. At the end of court debate, a judgment shall be rendered in accordance with the law. Where mediation may be conducted prior to rendering a judgment, mediation may also be conducted. Where mediation fails, a judgment shall be rendered in a timely manner.

Article 143. Where a plaintiff withdraws a lawsuit, whether to grant permission shall be ruled by the people's court. Where the people's court rules to disallow the withdrawal and the plaintiff refuses to appear in court after being summoned without justifiable reasons, a default judgment may be rendered.

Article 144. Where a defendant refuses to appear in court without justifiable reasons after being summoned by the people's court, or leaves the court session without permission of the court, a default judgment may be

rendered.

Article 145. Where a plaintiff applies to withdraw a lawsuit prior to the pronouncement of judgment, whether to grant permission shall be ruled by the people's court. Where the people's court rules to disallow the withdrawal and the plaintiff refuses to appear in court after being summoned without justifiable reasons, a default judgment may be rendered.

Article 146. Under any of the following circumstances, a court session may be postponed: (1) a party who must appear in court and other participants in the proceedings who must appear in court fail to appear for justifiable reasons; (2) a party temporarily applies for the withdrawal of a judicial officer; or (3) it is necessary to notify new witnesses to appear in court, to collect new evidence, to conduct a new expert examination or inspection, or to conduct a supplementary investigation. In the event of any other circumstances requiring postponement, the court session may be postponed.

Article 147. The court clerk shall record all the activities of the court session in a transcript. The transcript shall be signed by the judge and the court clerk. The parties and other participants in the proceedings shall have the right to request a correction of any omission or error in the court record of their statements. Where such request is denied, it shall be recorded in the transcript. The court transcript shall be read out in court, or the parties and other participants in the proceedings may be notified to read it within five days. Where a party or other participant in the proceedings considers that there is an omission or error in the record, he or she shall have the right to apply for supplementation or correction. Where the application is denied, it shall be recorded in the case file. The court transcript shall be signed or sealed by the parties and other participants in the proceedings. Where a party or other participant refuses to sign or seal, it shall be noted in the transcript.

Article 148. The people's court shall publicly pronounce its judgment in all cases, whether the case is tried in public or in camera. Where a judgment is pronounced in court, the written judgment shall be served within 10 days. Where a judgment is pronounced at a later date, the written judgment shall be served immediately after pronouncement. Upon pronouncement of a judgment, the parties must be informed of their right to appeal, the time limit for appeal, and the appellate court. Upon pronouncement of a divorce judgment, the parties must be informed that neither party may marry again before the judgment takes legal effect.

Article 149. Under any of the following circumstances, a people's court may render a ruling to conclude a lawsuit: (1) the plaintiff dies without a successor, or the successor waives the litigation rights; (2) the defendant dies without an estate and there is no person to assume the obligations; (3) the plaintiff dies in a divorce case; or (4) the plaintiff dies in a case involving a claim for alimony, child support or support for parents, or for termination of an adoptive relationship.

Article 150. Under any of the following circumstances, a lawsuit shall be suspended: (1) one of the parties dies and a successor must be awaited to indicate whether to participate in the proceedings; (2) one of the parties loses litigation capacity and a legal representative has not yet been determined; (3) the legal person or other organization that is a party is dissolved and a successor to its rights and obligations has not yet been determined; (4) one of the parties is unable to participate in the proceedings due to force majeure; (5) the case must be based on the outcome of another case that has not yet been concluded; or (6) there are other circumstances requiring the suspension of the lawsuit. Where the cause of suspension is removed, the proceedings shall be resumed.

Article 151. The people's court shall render a judgment within six months from the date on which the case is placed on file, where the ordinary procedure is applied. Under special circumstances where an extension is necessary, an extension of six months may be granted subject to the approval of the president of the court; where a further extension is necessary, such extension shall be reported to the people's court at the next higher level for approval.

Article 152. A lawsuit shall be terminated under any of the following circumstances: (1) the plaintiff dies without a successor, or the successor waives the litigation rights; (2) the defendant dies without an estate and there is no person to assume the obligations; (3) the plaintiff dies in a divorce case; (4) the plaintiff dies in a case involving a claim for alimony, child support or support for parents, or for termination of an adoptive relationship.

Article 153. Under any of the following circumstances, the people's court may render a ruling to terminate proceedings: (1) the plaintiff dies without a successor, or the successor waives the litigation rights; (2) the defendant dies without an estate and there is no person to assume the obligations; (3) the plaintiff dies in a divorce case; (4) the plaintiff dies in a case involving a claim for alimony, child support or support for parents, or for termination of an adoptive relationship.

Article 154. A judgment shall state the result of the judgment and the reasons for the judgment. The contents of a judgment shall include: (1) the cause of action, the claims, and the facts and reasons of the dispute; (2) the facts found in the judgment, the reasons, and the law applied; (3) the result of the judgment and the burden of litigation expenses; and (4) the time limit for appeal and the appellate court. A judgment shall be signed by the judge and the court clerk and sealed by the people's court.

Article 155. A ruling shall apply to the following matters: (1) refusal to accept a case; (2) objection to jurisdiction; (3) dismissal of a lawsuit; (4) property preservation and advance enforcement; (5) approval or disapproval of withdrawal of a lawsuit; (6) suspension or termination of proceedings; (7) supplementation and correction of omissions or errors in a judgment; (8) suspension or termination of enforcement; (9) revocation or non-enforcement of an arbitral award; and (10) other matters to be resolved by a ruling. A ruling in items (1), (2) and (3) of the preceding paragraph may be appealed. A ruling shall be in writing and shall state the result of the ruling and the reasons for the ruling. A ruling shall be signed by the judge and the court clerk and sealed by the people's court. Where a ruling is made orally, it shall be recorded in the case file.

Article 156. A judgment or ruling of the Supreme People's Court, and a judgment or ruling against which no appeal has been filed within the prescribed period in accordance with the law, shall be a legally effective judgment or ruling.

Chapter XIII — Summary Procedure

Article 157. For simple civil cases tried by a basic people's court or its dispatched tribunal, where the facts are clear, the rights and obligations between the parties are clear, and the dispute is minor, the summary procedure may be applied. The people's court and the parties may agree on the application of the summary procedure.

Article 158. In cases tried under the summary procedure, the plaintiff may file the complaint orally. The parties may appear before the basic people's court or its dispatched tribunal at the same time to request the resolution of a dispute. The basic people's court or its dispatched tribunal may immediately try the case or fix a date for trial.

Article 159. In cases tried under the summary procedure, the basic people's court or its dispatched tribunal may summon the parties and witnesses by simple means and serve litigation documents by simple means. The period of advance notice for a court session may be reduced, provided that the parties' litigation rights are safeguarded.

Article 160. In cases tried under the summary procedure, a single judge shall try the case alone. The court investigation and court debate may be conducted in a flexible manner, without being strictly subject to the order specified in this Law. However, the parties' right to present statements and the right to debate shall be safeguarded.

Article 161. In cases tried under the summary procedure, the people's court shall render a judgment within three months from the date on which the case is placed on file. Under special circumstances where an extension is necessary, the period may be extended by one month with the approval of the president of the court.

Article 162. Where, during the trial of a case under the summary procedure, it is discovered that the case is not suitable for trial under the summary procedure, a ruling shall be made to transfer the case to the ordinary procedure. The period for trial shall be calculated anew from the date on which the case is placed on file under the ordinary procedure.

Article 163. The people's court may, taking into account the circumstances of the case and the wishes of the parties, conduct online litigation activities in cases tried under the summary procedure.

Chapter XIV — Small Claims Procedure

Article 164. For simple civil cases tried by a basic people's court or its dispatched tribunal, where the facts are clear, the rights and obligations between the parties are clear, the dispute is minor, and the amount in dispute is below 50% of the average annual wage of workers in the province, autonomous region or municipality directly under the Central Government in the preceding year, the small claims procedure shall apply, and the trial shall be final. Cases involving personal relationships or disputes over property rights where the amount in dispute exceeds the threshold specified in the preceding paragraph may also be tried under the small claims procedure by agreement of the parties.

Article 165. The following cases shall not be subject to the small claims procedure: (1) cases involving personal relationships such as marriage or inheritance; (2) cases where a party is declared missing or the whereabouts of a party are unknown; (3) cases involving counterclaims; (4) cases involving disputes over property rights where the amount in dispute is relatively large; and (5) other cases unsuitable for the small claims procedure.

Article 166. The people's court shall render a judgment within one month from the date on which a case is placed on file under the small claims procedure. Under special circumstances where an extension is necessary, the period may be extended by one month with the approval of the president of the court.

Article 167. Where a party objects to the application of the small claims procedure, the people's court shall rule on the objection. Where the people's court determines that the objection is sustained, the case shall be transferred to the summary procedure or the ordinary procedure. The period for trial shall be calculated anew from the date on which the case is placed on file under the transferred procedure.

Article 168. The judgment rendered in a case tried under the small claims procedure shall be final. If a party considers that the judgment contains an error, it may apply for retrial. Where the people's court determines upon examination that the conditions for retrial are satisfied, it shall rule on retrial.

Article 169. The small claims procedure shall apply, mutatis mutandis, the relevant provisions on the summary procedure. Where the small claims procedure provides otherwise, such provisions shall apply.

Chapter XV — Procedure of Second Instance

Article 170. Where a party is dissatisfied with a judgment of first instance rendered by a local people's court, it shall have the right to file an appeal with the people's court at the next higher level within 15 days from the date on which the written judgment is served. Where a party is dissatisfied with a ruling of first instance rendered by a local people's court, it shall have the right to file an appeal with the people's court at the next higher level within 10 days from the date on which the written ruling is served.

Article 171. An appeal petition shall be submitted. The contents of the appeal petition shall include the names of the parties, the name of the legal person and its legal representative or the name of other

organization and its principal responsible person, the name of the people's court that tried the case of first instance, the case number and the cause of action, the claims in the appeal and the reasons therefor.

Article 172. The appeal petition shall be submitted through the people's court that rendered the original judgment, and copies shall be provided according to the number of opposing parties or representatives. Where a party appeals directly to the people's court of second instance, the people's court of second instance shall transfer the appeal petition to the people's court that rendered the original judgment within five days.

Article 173. After receiving the appeal petition, the people's court that rendered the original judgment shall serve copies of the appeal petition on the opposing party within five days. The opposing party shall submit a statement of defense within 15 days of receipt. The people's court shall, within five days of receiving the statement of defense, serve copies thereof on the appellant. Failure by the opposing party to submit a statement of defense shall not affect the trial of the case by the people's court. After receiving the appeal petition and the statement of defense, the people's court that rendered the original judgment shall, within five days, transfer the entire case file and evidence to the people's court of second instance.

Article 174. The people's court of second instance shall examine the facts and the application of law relevant to the claims in the appeal.

Article 175. In hearing an appeal case, the people's court of second instance shall form a collegial bench to conduct the trial. Where, upon review of the case file, investigation and questioning of the parties, the collegial bench considers that the facts are not in dispute, it may decide not to hold a court session and proceed to render a judgment or ruling. Where the people's court of second instance conducts a trial by holding a court session, the trial may be conducted at the seat of the court, at the place where the case occurred, or at the place where the people's court that rendered the original judgment is located.

Article 176. Where the people's court of second instance considers, in the trial of an appeal case, that the people's court that rendered the original judgment should not have accepted the case, it shall rule to revoke the original judgment and dismiss the lawsuit.

Article 177. The people's court of second instance shall handle an appeal case in accordance with the following circumstances: (1) where the facts found in the original judgment or ruling are clear and the law is correctly applied, the appeal shall be rejected by a judgment or ruling and the original judgment or ruling shall be affirmed; (2) where the original judgment or ruling contains an error in the application of law, the judgment or ruling shall be modified in accordance with the law; (3) where the facts found in the original judgment are unclear or insufficiently supported by evidence, the judgment shall be modified after ascertaining the facts, or a ruling shall be made to revoke the original judgment and remand the case to the people's court that rendered the original judgment for retrial; or (4) where there is a serious violation of statutory procedure in the original judgment, such as the composition of the trial organization being unlawful, a judge who should have recused himself not recusing, or a party lacking litigation capacity not being represented by a legal representative, a ruling shall be made to revoke the original judgment and remand the case to the people's court that rendered the original judgment for retrial.

Article 178. Where the people's court of second instance remands a case to the people's court that rendered the original judgment for retrial, the people's court that rendered the original judgment shall form a new collegial bench to retry the case in accordance with the procedure of first instance. A party may appeal the judgment or ruling rendered in the retrial.

Article 179. Where the people's court of second instance modifies a judgment in an appeal case against a ruling of the people's court of first instance, it shall also modify the part concerning the litigation expenses.

Article 180. In the trial of an appeal case, the people's court of second instance may conduct mediation. Where a conciliation agreement is reached, a conciliation statement shall be prepared and shall be signed

by the judge and the court clerk and sealed by the people's court. After the conciliation statement is served, the original judgment of the people's court that rendered the original judgment shall be deemed revoked.

Article 181. Where the appellant applies to withdraw the appeal prior to the pronouncement of judgment by the people's court of second instance, the people's court of second instance shall rule on whether to grant approval. Where the people's court rules to disallow the withdrawal and the appellant refuses to appear in court after being summoned without justifiable reasons, a default judgment may be rendered.

Article 182. The people's court of second instance shall render a final judgment on an appeal case within three months from the date on which the case is placed on file. Under special circumstances where an extension is necessary, it shall be approved by the president of the court. In hearing an appeal against a ruling, the people's court of second instance shall render a final ruling within 30 days from the date on which the case is placed on file.

Article 183. The people's court of second instance shall apply the ordinary procedure, in addition to the provisions of this Chapter, to the trial of appeal cases.

Chapter XVI — Special Procedure

Article 184. This Chapter shall apply to the trial of the following cases by the people's courts: (1) cases concerning the qualification of voters; (2) cases concerning the declaration of a missing person or the declaration of the death of a person; (3) cases concerning the determination of a citizen as having no capacity or limited capacity for civil conduct; (4) cases concerning the determination of property as ownerless; (5) cases concerning the confirmation of mediation agreements; (6) cases concerning the realization of security interests; and (7) other cases to be tried by special procedure in accordance with the law. A case tried by special procedure shall be final. Where a case involving qualification of voters or a major or difficult case is tried by special procedure, a collegial bench shall be formed for the trial. Other cases tried by special procedure shall be tried by a single judge alone.

Article 185. Where, during the trial of a case under this Chapter by a people's court, it is discovered that the case involves a dispute over civil rights and interests, a ruling shall be made to terminate the special procedure and the interested parties shall be notified to file a separate lawsuit.

Article 186. Where a citizen refuses to accept a decision of an election committee on an appeal against the disqualification of a voter, the citizen may file a lawsuit with the basic people's court at the place where the electoral district is located within five days prior to Election Day.

Article 187. After accepting a case concerning the qualification of voters, the people's court must conclude the trial prior to Election Day. The plaintiff, the representative of the election committee, and the relevant citizen must appear in court. The written judgment of the people's court shall be served on the election committee and the plaintiff prior to Election Day and the relevant citizen shall be notified.

Article 188. Where the case concerning the qualification of voters involves a dispute over civil rights and interests, a ruling shall be made to terminate the special procedure and the interested parties shall be notified to file a separate lawsuit.

Article 189. The judgment rendered in a case concerning the qualification of voters shall be final.

Article 190. Where a citizen's whereabouts have been unknown for two years, an interested party may apply to the basic people's court at the place where the missing person is domiciled for a declaration of the citizen as a missing person. The application shall be in writing and shall state the facts, time, and request concerning the disappearance, and shall be accompanied by a written certification issued by the public security organ or other relevant organ that the citizen's whereabouts are unknown.

Article 191. Where a citizen's whereabouts have been unknown for four years, or have been unknown for two years as a result of an accident, or the relevant organ certifies that the citizen cannot possibly survive as

a result of an accident, an interested party may apply to the basic people's court at the place where the missing person is domiciled for a declaration of the citizen's death. The application shall be in writing and shall state the facts, time, and request concerning the disappearance, and shall be accompanied by a written certification issued by the public security organ or other relevant organ that the citizen's whereabouts are unknown, or a certification by the relevant organ that the citizen cannot possibly survive as a result of the accident.

Article 192. After accepting a case concerning the declaration of a missing person or declaration of death, the people's court shall issue a public notice to search for the missing person. The period of public notice for the declaration of a missing person shall be three months. The period of public notice for the declaration of death shall be one year. Where a citizen's whereabouts are unknown as a result of an accident and the relevant organ certifies that the citizen cannot possibly survive, the period of public notice for declaration of death shall be three months. Upon expiration of the period of public notice, the people's court shall, on the basis of whether the facts of the missing person or death have been confirmed, render a judgment declaring the person missing or declaring the person dead, or render a judgment rejecting the application.

Article 193. Where a person who has been declared missing or declared dead by a people's court reappears, the people's court shall, upon application by the person or an interested party, render a new judgment and revoke the original judgment.

Article 194. The judgment rendered in a case concerning the declaration of a missing person or the declaration of death shall be final.

Article 195. An application for the determination of a citizen as having no capacity or limited capacity for civil conduct shall be filed by a close relative or any other interested party of the citizen with the basic people's court at the place where the citizen is domiciled. The application shall be in writing and shall state the facts and basis concerning the citizen's lack of capacity or limited capacity for civil conduct.

Article 196. After accepting an application, the people's court shall, when necessary, commission an expert examination of the citizen for whom an application for determination of no capacity or limited capacity for civil conduct has been filed. Where the applicant has already provided an expert opinion, the people's court shall examine the expert opinion.

Article 197. In the trial of a case concerning the determination of a citizen as having no capacity or limited capacity for civil conduct, a close relative of the citizen shall serve as an agent, unless the close relative refuses to serve as an agent or there is no close relative. Where the applicant and the close relative are the same person, the close relative shall serve as the agent, and another close relative, if any, shall serve as the applicant. Where the close relative of the citizen pushes the duty of agency onto each other, the people's court shall designate one of them as the agent. Where the health condition of the citizen permits, the people's court shall also solicit the citizen's opinion. Where the people's court determines upon trial that the application is supported by facts, it shall render a judgment that the citizen has no capacity or limited capacity for civil conduct. Where the application is not supported by facts, the people's court shall render a judgment rejecting the application.

Article 198. Where, upon application by a person who has been determined to have no capacity or limited capacity for civil conduct or his guardian, the people's court confirms upon verification that the grounds on which the citizen was determined to have no capacity or limited capacity for civil conduct have been eliminated, the people's court shall render a new judgment and revoke the original judgment.

Article 199. Where a case concerning the determination of a citizen as having no capacity or limited capacity for civil conduct involves a dispute over civil rights and interests, a ruling shall be made to terminate the special procedure and the interested parties shall be notified to file a separate lawsuit.

Article 200. The judgment rendered in a case concerning the determination of a citizen as having no capacity or limited capacity for civil conduct shall be final.

Article 201. An application for the determination of property as ownerless shall be filed by a citizen, legal person or other organization with the basic people's court at the place where the property is located. The application shall be in writing and shall state the type and quantity of the property and the grounds on which the determination of the property as ownerless is sought.

Article 202. After accepting an application, the people's court shall, upon examination and verification, issue a public notice for claiming the property. The period of public notice shall be one year. Upon expiration of the period of public notice, if no one claims the property, the people's court shall render a judgment determining the property as ownerless and shall declare it to be owned by the state or the collective.

Article 203. Where, after the people's court has rendered a judgment determining the property as ownerless, the original owner of the property or a successor appears and files a claim within the period of limitation of action prescribed by law, the people's court shall, upon examination and verification, render a new judgment and revoke the original judgment.

Article 204. An application for confirmation of a mediation agreement shall be filed jointly by the parties in accordance with the provisions of laws including the People's Mediation Law with the basic people's court at the place where the mediation organization is located within 30 days from the date on which the mediation agreement takes effect.

Article 205. After accepting an application, the people's court shall, upon examination, confirm the validity of the mediation agreement where the mediation agreement is consistent with the law. Where the mediation agreement contains content that contravenes the law, the people's court shall rule to reject the application. Where the parties are dissatisfied, they may amend the original mediation agreement through mediation or reach a new mediation agreement, or may file a lawsuit with the people's court.

Article 206. The ruling on confirmation of a mediation agreement rendered by the people's court shall be final. Where one party refuses to perform or fails to fully perform the mediation agreement, the other party may apply to the people's court for enforcement.

Article 207. An application for realization of a security interest shall be filed by the security interest holder or other persons entitled to request realization of the security interest in accordance with the provisions of laws including the Civil Code with the basic people's court at the place where the security property is located or at the place where the security interest is registered.

Article 208. After accepting an application, the people's court shall, upon examination, rule to permit the auction or sale of the security property where the conditions for realization of the security interest are satisfied, and the parties may apply for enforcement on the basis of such ruling. Where the conditions for realization of the security interest are not satisfied, the people's court shall rule to reject the application, and the parties may file a lawsuit with the people's court.

Article 209. The ruling on realization of a security interest rendered by the people's court shall be final.

Chapter XVII — Procedure for Trial Supervision

Article 210. Where the president of a people's court at any level discovers any definite error in a legally effective judgment, ruling or conciliation statement rendered by the court and deems a retrial necessary, the president shall refer the matter to the judicial committee for deliberation and decision. The Supreme People's Court shall have the right to remand for retrial or directly retry a legally effective judgment, ruling or conciliation statement rendered by a local people's court at any level that is found to contain an error. A people's court at a higher level shall have the right to remand for retrial or directly retry a legally effective judgment, ruling or conciliation statement rendered by a people's court at a lower level that is found to

contain an error.

Article 211. Where a party considers that a legally effective judgment or ruling contains an error, it may apply to the people's court at the next higher level for retrial. Where one party is numerous or both parties are citizens, the application may also be filed with the people's court that rendered the original judgment. Where a party applies for retrial, the execution of the judgment or ruling shall not be suspended.

Article 212. A party shall submit an application for retrial within six months of the judgment or ruling taking legal effect. Under any of the following circumstances, the application shall be submitted within six months from the date on which the party becomes aware or should have become aware of the relevant facts: (1) there is new evidence sufficient to overturn the original judgment or ruling; (2) the main evidence on which the original judgment or ruling was based is forged; or (3) the legal document on which the original judgment or ruling was based is revoked or modified. Where the composition of the trial organization was unlawful or a judge committed embezzlement, bribery, malpractice for personal gain or perversion of law in the trial of the case, the application shall be submitted within six months from the date on which the party becomes aware or should have become aware of the composition of the trial organization or the illegal conduct of the judge.

Article 213. The people's court shall retry a case if the application of a party satisfies any of the following circumstances: (1) there is new evidence sufficient to overturn the original judgment or ruling; (2) the main evidence on which the original judgment or ruling was based is insufficient; (3) the main evidence on which the original judgment or ruling was based is forged; (4) the main evidence on which the original judgment or ruling was based has not been cross-examined; (5) a party is unable to collect evidence on its own due to objective reasons, has applied in writing to the people's court for investigation and collection, and the people's court has failed to investigate and collect such evidence; (6) there is a definite error in the application of law in the original judgment or ruling; (7) the composition of the trial organization was unlawful or a judge who should have recused himself did not recuse; (8) a party who lacks litigation capacity was not represented by a legal representative, or a party who should have participated in the litigation did not do so for reasons not attributable to him or his representative; (9) a party is deprived of the right to debate in violation of the law; (10) a default judgment is rendered against a party who was not lawfully summoned; (11) the original judgment or ruling omits or exceeds the claims; (12) the legal document on which the original judgment or ruling was based is revoked or modified; (13) a judge has taken bribes, engaged in malpractices for personal gain or perverted the law in the trial of the case.

Article 214. Where a party applies for retrial, it shall submit a written application for retrial and other materials. The people's court shall, within five days of receiving the application for retrial, serve a copy of the application for retrial on the opposing party. The opposing party shall submit a written opinion within 15 days of receipt. Failure to submit a written opinion shall not affect the people's court's examination. The people's court may require the applicant and the opposing party to explain the relevant circumstances and may consult the parties on relevant matters.

Article 215. The people's court shall, within three months of receiving the application for retrial, examine the application and rule on whether to retry the case. Under special circumstances where an extension is necessary, an extension may be granted with the approval of the president of the court. Where the people's court determines that the application satisfies the conditions specified in Article 213 of this Law, it shall rule on retrial. Where it determines otherwise, it shall rule to reject the application.

Article 216. Where the parties are numerous or both parties are citizens, the party may apply to the people's court that rendered the original judgment for retrial. Where the application for retrial is rejected, the party may apply to the people's procuratorate for a procuratorial recommendation or protest.

Article 217. Where a party applies for retrial, the retrial shall be conducted by the people's court at or above the intermediate level, unless the parties choose to apply to the basic people's court for retrial under Article 216 of this Law. Where the Supreme People's Court or a high people's court rules on retrial, the case shall

Source: https://www.danyoungcpa.com/civil-procedure-law-of-the-peoples-republic-of-china-full-english-translation-2023-amendment/

be retried by the court itself or by another people's court, or by the people's court that rendered the original judgment. Where a case is retried, a ruling shall be made to suspend the execution of the original judgment or ruling, unless the case involves claims for alimony, child support, support for parents, pension, medical expenses or labor remuneration, which may continue to be executed.

Article 218. After the people's court rules to retry a case in accordance with the procedure for trial supervision, the trial shall be conducted in accordance with the procedure of first instance or second instance as appropriate. Where the original effective judgment or ruling was rendered under the procedure of first instance, the retrial shall be conducted in accordance with the procedure of first instance, and the parties may appeal the judgment or ruling rendered in the retrial. Where the original effective judgment or ruling was rendered under the procedure of second instance, the retrial shall be conducted in accordance with the procedure of second instance, and the judgment or ruling rendered in the retrial shall be final. Where the case is retried by a people's court at a higher level, the retrial shall be conducted in accordance with the procedure of second instance, and the judgment or ruling rendered shall be final.

Article 219. Where the Supreme People's Procuratorate discovers any error in a legally effective judgment, ruling or conciliation statement rendered by a people's court at any level, or a people's procuratorate at a higher level discovers any error in a legally effective judgment, ruling or conciliation statement rendered by a people's court at a lower level, and any of the circumstances specified in Article 213 of this Law exists, the people's procuratorate may lodge a protest against the people's court at the same level. Where the parties are numerous or both parties are citizens, the people's procuratorate at the same level as the people's court that rendered the original judgment may lodge a protest. Where a local people's procuratorate at any level discovers that a legally effective judgment, ruling or conciliation statement rendered by a people's court at the same level falls under any of the circumstances specified in Article 213 of this Law, or discovers that the conciliation statement harms the public interest, the people's procuratorate may submit a procuratorial recommendation to the people's court at the same level and report the matter to the people's procuratorate at the next higher level for record.

Article 220. Where a party applies for retrial under any of the following circumstances, the people's procuratorate shall process the application within three months from the date of receipt, and notify the party of the result: (1) the application for retrial has been rejected by the people's court; (2) the people's court has failed to rule on the application for retrial beyond the prescribed time limit; or (3) there is a clear error in the retrial judgment or ruling. Where the people's procuratorate, upon examination, determines that the conditions for a protest or procuratorial recommendation are satisfied, it shall lodge a protest or submit a procuratorial recommendation in accordance with the law. A party may not apply to the people's procuratorate for a procuratorial recommendation or protest again.

Article 221. Where a people's procuratorate lodges a protest against a case, the people's court receiving the protest shall, within 30 days of receiving the protest, rule on retrial. Under any of the circumstances specified in items (1) through (5) of Article 213 of this Law, the case may be remanded to the people's court at the next lower level for retrial, provided that the case has not been retried by the people's court at the next lower level.

Article 222. When a people's procuratorate decides to lodge a protest against a judgment, ruling or conciliation statement of a people's court, it shall prepare a written protest. Where a people's court retries a case in which a protest has been lodged by a people's procuratorate and the people's court holds a court session for the retrial, it shall notify the people's procuratorate to send personnel to appear in court. The personnel of the people's procuratorate appearing in court shall have the right to read the statement of protest and to express opinions.

Chapter XVIII — Procedure for Expedited Debt Recovery

Source: https://www.danyoungcpa.com/civil-procedure-law-of-the-peoples-republic-of-china-full-english-translation-2023-amendment/

Article 223. A creditor who requests a debtor to pay money or negotiable instruments may apply to the basic people's court with jurisdiction for a payment order, provided that the following conditions are satisfied: (1) the creditor and the debtor have no other debt disputes; and (2) the payment order can be served on the debtor. The application shall clearly state the amount of money or negotiable instruments requested and the facts and evidence on which the application is based.

Article 224. After accepting an application, the people's court shall, upon examination of the facts and evidence provided by the creditor, issue a payment order to the debtor within 15 days of accepting the application where the claims and obligations are clear and lawful. Where the application is not sustainable, the people's court shall rule to reject the application. The debtor shall, within 15 days of receiving the payment order, pay off the debt or submit a written objection to the people's court. Where the debtor neither submits an objection nor performs the payment obligation within the prescribed period, the creditor may apply to the people's court for enforcement.

Article 225. After receiving a written objection from the debtor, the people's court shall, upon examination, rule to terminate the procedure for expedited debt recovery and the payment order shall become automatically invalid. The case shall be transferred to the litigation procedure, unless the creditor filing the application for the payment order disagrees to the transfer.

Article 226. Where the people's court issues a payment order and the debtor fails to submit a written objection or perform the payment obligation within the statutory period, the creditor may apply to the people's court for enforcement.

Chapter XIX — Procedure for Publicizing Public Notice

Article 227. A holder of a negotiable instrument that may be transferred by endorsement, where the instrument is stolen, lost or destroyed, may apply to the basic people's court at the place where the instrument is to be paid for publicizing a public notice to urge the claimant to make a claim. Applications for publicizing public notice in other matters for which public notice is permitted by law shall be in accordance with the provisions of this Chapter. After accepting an application, the people's court shall simultaneously notify the payer to suspend payment, and shall issue a public notice within three days to urge the interested party to claim its rights. The period for claiming rights as specified in the public notice shall be determined by the people's court on the basis of the circumstances, but shall not be less than 60 days.

Article 228. The payer shall suspend payment upon receiving a notice from the people's court to suspend payment and shall not resume payment until the procedure for publicizing public notice is concluded. Where the payer makes payment in violation of the notice to suspend payment, the payer shall bear liability for the loss caused thereby.

Article 229. An interested party shall declare its rights to the people's court within the period specified in the public notice. After receiving the declaration of rights from the interested party, the people's court shall rule to terminate the procedure for publicizing public notice. The applicant and the declarant may resolve their dispute through litigation. Where no interested party declares its rights within the period specified in the public notice, the people's court shall, upon application by the applicant, render a judgment declaring the instrument invalid. The judgment shall be publicly announced and the payer shall be notified. From the date of public announcement of the judgment, the applicant shall have the right to demand payment from the payer.

Article 230. Where an interested party is unable to declare its rights to the people's court prior to the judgment due to justifiable reasons, the interested party may, within one year from the date on which it becomes aware or should have become aware of the public announcement of the judgment, file a lawsuit with the people's court that rendered the judgment.

Source: https://www.danyoungcpa.com/civil-procedure-law-of-the-peoples-republic-of-china-full-english-translation-2023-amendment/

Part III — Procedure for Enforcement

Chapter XX — General Provisions on Enforcement

Article 231. Where a party refuses to perform a legally effective civil judgment or ruling, or a part of a criminal judgment or ruling concerning property, the other party may apply to the people's court for enforcement. A party may also refer the matter to the enforcement officer for enforcement. Legally effective conciliation statements and other legal documents that should be enforced by the people's court shall be enforced by the people's court in accordance with the law.

Article 232. Where a legally effective civil judgment, ruling or conciliation statement, or a part of a criminal judgment or ruling concerning property, is rendered by a people's court of first instance, enforcement shall be carried out by the people's court of first instance or the people's court at the same level as the people's court of first instance at the place where the property subject to enforcement is located. Where a legally effective legal document requires enforcement and is rendered by another organ that should be enforced by a people's court in accordance with the law, enforcement shall be carried out by the people's court with jurisdiction. The provisions on the jurisdiction of enforcement shall apply, mutatis mutandis, the provisions on the jurisdiction of civil litigation.

Article 233. Where the person subject to enforcement or the property subject to enforcement is located in a place other than the place of the people's court in charge of enforcement, the people's court may entrust enforcement to the local people's court. The entrusted people's court shall, within 15 days of receiving the letter of entrustment, commence enforcement and shall not refuse to do so. Upon completion of enforcement, the entrusted people's court shall promptly inform the entrusting people's court of the result of enforcement by correspondence. Where enforcement has not been completed within 30 days, the entrusted people's court shall also inform the entrusting people's court of the status of enforcement. Where the entrusted people's court fails to carry out enforcement within 15 days of receiving the letter of entrustment, the entrusting people's court may request the people's court at a higher level over the entrusted people's court to instruct the entrusted people's court to carry out enforcement.

Article 234. Where a person not involved in the case considers that he or she has a right to the subject matter of enforcement that is sufficient to preclude compulsory enforcement, he or she may file a written objection with the people's court in charge of enforcement. Where the people's court, upon examination of the written objection, determines that the objection is well-founded, it shall rule to suspend enforcement of the subject matter. Where the objection is not well-founded, it shall be rejected by a ruling. Where the person not involved in the case or a party is dissatisfied with the ruling, and the original judgment or ruling is considered erroneous, the matter shall be handled in accordance with the procedure for trial supervision. Where the objection is not related to the original judgment or ruling, a lawsuit may be filed with the people's court within 15 days of the ruling being served.

Article 235. Enforcement shall be carried out by enforcement officers. In carrying out enforcement, enforcement officers shall produce their credentials. After completing enforcement, enforcement officers shall prepare a record of the enforcement, which shall be signed or sealed by the relevant persons present. The people's court may establish enforcement institutions as needed. The responsibilities of enforcement institutions shall be to handle the enforcement matters specified in law.

Article 236. Where a party or an interested party considers that an enforcement act violates the law, it may file a written objection with the people's court in charge of enforcement. Where a party or an interested party files a written objection, the people's court shall, within 15 days of receiving the written objection, examine the objection. Where the objection is well-founded, the people's court shall rule to revoke or rectify the enforcement act. Where the objection is not well-founded, it shall be rejected by a ruling. Where a party or an interested party is dissatisfied with the ruling, it may apply to the people's court at the next higher level for reconsideration within 10 days of the ruling being served.

Source: https://www.danyoungcpa.com/civil-procedure-law-of-the-peoples-republic-of-china-full-english-translation-2023-amendment/

Article 237. Where the people's court fails to carry out enforcement within six months of receiving the application for enforcement, the applicant for enforcement may apply to the people's court at the next higher level for enforcement. After examination, the people's court at the next higher level may order the original people's court to carry out enforcement within a specified period, or decide to carry out enforcement by itself, or instruct another people's court to carry out enforcement. Where an application for enforcement is not filed with the people's court that should accept the application in accordance with the law, the people's court shall transfer the application to the people's court that should accept it or handle it in accordance with the law.

Article 238. Where, during enforcement, the person subject to enforcement provides security to the people's court, the people's court may, with the consent of the applicant for enforcement, decide to suspend enforcement or suspend enforcement measures for a specified period. Where the person subject to enforcement fails to perform its obligations within the specified period, the people's court shall have the right to enforce the security property of the person subject to enforcement or the property of the guarantor.

Article 239. The period for submitting an application for enforcement shall be two years. The period for the limitation of action for an application for enforcement shall be calculated from the last day of the period for performance specified in the legal document. Where the legal document provides for performance in installments, the period shall be calculated from the last day of the period for performance specified for each installment. Where the legal document does not specify a period for performance, the period shall be calculated from the date on which the legal document takes effect. The suspension or interruption of the period for submitting an application for enforcement shall be governed by the provisions of law on the suspension or interruption of the period of limitation of action.

Article 240. The enforcement officer shall, after receiving the application for enforcement or the written referral for enforcement, serve an enforcement notice on the person subject to enforcement, and may immediately take enforcement measures. The person subject to enforcement shall, within the period specified in the notice, perform the obligations specified in the legal document. Where the person subject to enforcement fails to perform, the enforcement officer shall carry out enforcement in accordance with the law. Where enforcement measures are required to be taken, a ruling shall be made.

Chapter XXI — Application for Enforcement and Transfer for Enforcement

Article 241. Where a party applies for enforcement, it shall submit an application and relevant legal documents. An application for enforcement shall clearly state the following: (1) the names and domiciles of the applicant and the person subject to enforcement; (2) the people's court applied to for enforcement; and (3) the content of the application for enforcement and the reasons therefor.

Article 242. Where a legally effective legal document that should be enforced by the people's court in accordance with the law cannot be enforced for a certain period, the enforcement shals be carried out by the people's court with original jurisdiction or the people's court at the place where the property subject to enforcement is located. For arbitral awards that should be enforced by the people's court, the application shall be filed with the intermediate people's court at the place where the person subject to enforcement is domiciled or at the place where the property subject to enforcement is located.

Article 243. When carrying out enforcement, the enforcement officer may, in accordance with the enforcement notice, make inquiries with the relevant units concerning deposits, negotiable instruments, securities and other properties of the person subject to enforcement. The relevant units shall cooperate and assist in accordance with the law. Where the person subject to enforcement fails to perform its obligations as specified in the legal document, the people's court shall have the right to make inquiries with banks, credit cooperatives and other entities engaged in savings business concerning the savings deposits of the person subject to enforcement, and shall have the right to freeze or withdraw such savings deposits, provided that the freezing or withdrawal shall not exceed the scope of the obligations to be performed by the person subject to enforcement. When the people's court decides to freeze or withdraw savings deposits, it shall

Source: https://www.danyoungcpa.com/civil-procedure-law-of-the-peoples-republic-of-china-full-english-translation-2023-amendment/

make a ruling and issue a notice for assistance in enforcement, which shall be complied with by the banks, credit cooperatives and other entities engaged in savings business.

Article 244. Where the person subject to enforcement fails to perform its obligations as specified in the legal document, the people's court shall have the right to withhold or withdraw the income of the person subject to enforcement that should be paid by the relevant unit, provided that the amount withheld or withdrawn shall not exceed the scope of the obligations to be performed by the person subject to enforcement. When the people's court decides to withhold or withdraw income, it shall make a ruling and issue a notice for assistance in enforcement, which shall be complied with by the entity of the person subject to enforcement, banks, credit cooperatives and other entities engaged in savings business.

Article 245. Where the person subject to enforcement fails to perform its obligations as specified in the legal document, the people's court shall have the right to seal up, attach, freeze, auction or sell the property of the person subject to enforcement that should be subject to compulsory enforcement, provided that the value of the property shall not exceed the scope of the obligations to be performed by the person subject to enforcement. The people's court shall take measures to preserve the property that has been sealed up, attached or frozen. The measures taken shall be appropriate.

Article 246. After sealing up or attaching property, the people's court shall notify the person subject to enforcement in a timely manner. Where the property sealed up or attached requires registration for transfer, the people's court shall notify the relevant registration authority to suspend the transfer registration. The people's court shall notify the person subject to enforcement to perform its obligations within a specified period. Where the person subject to enforcement performs its obligations within the specified period, the people's court shall lift the sealing up, attachment or freezing of the property.

Article 247. Where the person subject to enforcement fails to perform its obligations within the period specified by the people's court, the people's court may auction or sell the sealed up, attached or frozen property. Where the parties agree on the price, the people's court may sell the property at the agreed-upon price. Where the property is unsuitable for auction or the parties agree not to auction the property, the people's court may sell the property at a fixed price or entrust a relevant unit to sell the property. The people's court shall make a ruling on the auction or sale of the property. Articles that are prohibited from free sale by the state shall be delivered to the relevant unit for purchase at the price fixed by the state.

Article 248. Where the property that is the subject matter of enforcement is designated for delivery, the enforcement officer shall summon both parties and deliver the property in person, or the enforcement officer may deliver the property on behalf of the parties, and the person to whom the property is delivered shall sign for receipt. Where the property, negotiable instruments or certificates designated for delivery are held by a relevant unit, the people's court shall notify the unit to transfer them, and the unit shall comply. Where the person to whom the property, negotiable instruments or certificates are to be delivered refuses to accept them, the enforcement officer may deposit them with the relevant unit.

Article 249. Where compulsory eviction from a building or a plot of land is required, the president of the people's court shall sign and issue a public notice, ordering the person subject to enforcement to perform within a specified period. Where the person subject to enforcement fails to perform within the specified period, the enforcement officer shall carry out compulsory enforcement. Compulsory eviction from a building shall include the transfer of movables. The people's court shall notify the relevant unit to send personnel to the scene. The movables removed from the building shall be delivered by the people's court to the person subject to enforcement or his adult family member for receipt. Where the person refuses to accept them, the losses caused shall be borne by the person subject to enforcement.

Article 250. Where, during the course of enforcement, the relevant unit that holds the property, negotiable instruments or certificates that should be transferred in accordance with law refuses to transfer them, the people's court may issue a notice for assistance in enforcement and the relevant unit must comply. Where

Source: https://www.danyoungcpa.com/civil-procedure-law-of-the-peoples-republic-of-china-full-english-translation-2023-amendment/

the person who holds the property, negotiable instruments or certificates refuses to hand them over, the people's court may take compulsory measures to obtain them. The transfer of property rights certificates shall require the issuance of a notice for assistance in enforcement by the people's court, and the relevant unit must comply.

Article 251. Where the person subject to enforcement fails to perform the obligations specified in the legal document, and it is necessary to go through the formalities for the transfer of property rights certificates, the people's court may issue a notice for assistance in enforcement to the relevant unit, requiring it to handle the matter. The relevant unit must comply. Where the original certificates are not available, the people's court shall, upon approval of the president of the court, make a ruling declaring the original certificates invalid, and the relevant unit shall, in accordance with the ruling, go through the formalities for the transfer of property rights certificates.

Article 252. Where the person subject to enforcement should perform a specific act, the people's court shall compel the person subject to enforcement to perform such act. Where the person subject to enforcement fails to perform, the people's court may entrust a relevant unit or another person to complete the performance, and the expenses incurred shall be borne by the person subject to enforcement.

Article 253. Where the person subject to enforcement fails to perform the obligations specified in the legal document, the people's court may impose a fine or detention on the person subject to enforcement. Where the person subject to enforcement should perform a specific act and still fails to perform, the people's court may compel performance. Where the person subject to enforcement fails to perform the obligations specified in the legal document, the people's court may impose restrictions on the person subject to enforcement leaving China, record the person subject to enforcement in the credit system, and publish information on the person subject to enforcement's non-performance of obligations through media and other means. The expenses of compulsory enforcement shall be borne by the person subject to enforcement.

Article 254. Where the person subject to enforcement fails to perform the pecuniary obligations specified in a judgment, ruling or other legal document within the period prescribed, the person subject to enforcement shall pay double the interest on the debt for the period of delayed performance. Where the person subject to enforcement fails to perform other obligations specified in a judgment, ruling or other legal document within the period prescribed, the person subject to enforcement shall pay a penalty for delayed performance.

Article 255. After the people's court has taken enforcement measures, where the person subject to enforcement is still unable to pay off the debts, the person subject to enforcement shall continue to perform its obligations. Where the creditor discovers that the person subject to enforcement has other property, the creditor may at any time request the people's court to carry out enforcement.

Article 256. Where the person subject to enforcement fails to perform the obligations specified in the legal document and conceals property, the people's court shall have the right to issue a search warrant and search the person subject to enforcement and his domicile or the place where the property is concealed. Where a search is to be conducted, the president of the people's court shall sign and issue the search warrant.

Chapter XXII — Enforcement Measures

Article 257. Where the person subject to enforcement fails to perform the obligations specified in the legal document, the people's court may, in accordance with legal provisions, take measures such as restricting the person subject to enforcement from leaving China, recording the information in the credit record system, publishing information on non-performance through media, and other measures prescribed by law. Where the person subject to enforcement is a unit, the people's court may take measures restricting departure from China against its legal representative, principal responsible person, or person directly responsible for the performance of obligations.

Article 258. Where the person subject to enforcement is a citizen, the people's court may, when necessary, notify the public security organ to assist in restricting the person subject to enforcement from leaving China. The public security organ shall act in accordance with the law upon receiving the notice from the people's court.

Article 259. Where the person subject to enforcement has property available for enforcement, the people's court shall enforce such property. Where the property of the person subject to enforcement is insufficient to pay off all debts, the distribution of the property shall be made in accordance with the sequence prescribed by law. Where the person subject to enforcement is a citizen, necessary living expenses shall be retained.

Article 260. The enforcement of judgments shall be completed within six months from the date on which the case is accepted for enforcement. Under special circumstances where an extension is necessary, an extension may be granted with the approval of the president of the court. Where a case is enforced by entrustment, the entrusted people's court shall complete enforcement within 30 days of receiving the letter of entrustment. Where enforcement cannot be completed within the period, the entrusted people's court shall notify the entrusting people's court of the enforcement status.

Article 261. Where, during enforcement, the parties reach a settlement agreement on their own, the enforcement officer shall note the content of the agreement in the enforcement record, and the settlement agreement shall be signed or sealed by both parties. Where the person subject to enforcement fails to perform the settlement agreement, the applicant for enforcement may apply to the people's court for resumption of enforcement of the original effective legal document.

Article 262. Where, during enforcement, the person subject to enforcement provides security and the applicant for enforcement agrees, the people's court may decide to suspend enforcement. Where the person subject to enforcement fails to perform its obligations within the specified period, the people's court shall have the right to enforce the security property of the person subject to enforcement or the property of the guarantor.

Article 263. Where the person subject to enforcement is a citizen and dies, his debts shall be paid off out of his estate. Where the person subject to enforcement is a legal person or other organization and is dissolved, the successor to its rights and obligations shall perform the obligations specified in the legal document.

Chapter XXIII — Suspension and Termination of Enforcement

Article 264. Under any of the following circumstances, the people's court shall rule to suspend enforcement: (1) the applicant indicates that enforcement may be postponed; (2) a person not involved in the case files a written objection to the subject matter of enforcement on well-founded grounds; (3) a citizen who is one of the parties dies and an heir must be awaited to inherit the rights or assume the obligations; (4) a legal person or other organization that is one of the parties fails to exist and the successor to its rights and obligations has not yet been determined; or (5) there are other circumstances under which the people's court considers that enforcement should be suspended. Where the cause of suspension is removed, enforcement shall be resumed.

Article 265. Under any of the following circumstances, the people's court shall rule to terminate enforcement: (1) the applicant revokes the application; (2) the legal document on which enforcement is based is revoked; (3) the citizen who is the person subject to enforcement dies and has no estate available for enforcement and no person to assume the obligations; (4) the right holder dies in a case involving a claim for alimony, child support or support for parents; (5) the citizen who is the person subject to enforcement is unable to pay off the debts due to hardship, has no source of income and loses the ability to work; or (6) there are other circumstances under which the people's court considers that enforcement should be terminated. Where enforcement is terminated, the people's court shall make a ruling. The ruling shall take effect upon service on the parties.

Article 266. After the people's court receives an application for enforcement or a written referral for enforcement, it shall examine the application or referral in accordance with the law. Where the conditions for enforcement are satisfied, the people's court shall accept the case and carry out enforcement. Where the conditions are not satisfied, the people's court shall rule to reject the application or return the referral.

Article 267. Where a legally effective judgment, ruling or conciliation statement rendered by a people's court is to be enforced, it shall be enforced by the people's court of first instance. Where the property subject to enforcement is located in a place other than the place of the people's court of first instance, enforcement shall be carried out by the people's court at the place where the property subject to enforcement is located.

Article 268. Where, during the course of enforcement, enforcement cannot be continued for certain reasons and the circumstances for termination are not present, the people's court may rule to conclude the enforcement proceedings for the time being. Where the circumstances causing the conclusion are eliminated, the applicant may apply for resumption of enforcement.

Article 269. Where any party or an interested party considers that an enforcement act violates the provisions of law, it may file a written objection with the people's court in charge of enforcement. The people's court shall examine the objection within 15 days. Where a party or an interested party is dissatisfied with the ruling, it may apply to the people's court at the next higher level for reconsideration.

Part IV — Special Provisions on Foreign-Related Civil Procedure

Chapter XXIV — General Principles

Article 270. The provisions of this Part shall apply to foreign-related civil litigation within the territory of the People's Republic of China. In the absence of provisions in this Part, the other relevant provisions of this Law shall apply.

Article 271. Where an international treaty concluded or acceded to by the People's Republic of China contains provisions different from those of this Law, the provisions of such international treaty shall apply, except for those clauses on which the People's Republic of China has declared reservations. Where judicial assistance is requested or provided in accordance with an international treaty concluded or acceded to by the People's Republic of China, or in accordance with the principle of reciprocity, the relevant provisions of this Part shall apply.

Article 272. In a lawsuit brought against a defendant who has no domicile within the territory of the People's Republic of China in respect of a contractual dispute or other dispute over property rights and interests, the people's court at the place where the contract is performed within the territory of the People's Republic of China, where the contract is concluded, where the subject matter of the litigation is located, where the property that may be subject to attachment is located, where the infringing act is committed, or where the representative office is domiciled shall have jurisdiction.

Article 273. Foreign nationals, stateless persons, foreign enterprises and organizations that need to appoint lawyers as agents ad litem to institute or respond to proceedings in the people's courts shall appoint lawyers of the People's Republic of China.

Article 274. Where a foreign national, stateless person, foreign enterprise or organization that has no domicile within the territory of the People's Republic of China appoints a lawyer or any other person of a foreign country as an agent ad litem, the power of attorney mailed or submitted from abroad must be authenticated by the embassy or consulate of the People's Republic of China in the relevant country. Where the country has no embassy or consulate of the People's Republic of China, the power of attorney may be authenticated by the embassy or consulate of a third country having diplomatic relations with the People's Republic of China and subsequently transmitted to the embassy or consulate of the People's Republic of China in that third country for authentication; alternatively, it may be authenticated by the local patriotic

overseas Chinese organization.

Article 275. A foreign national, stateless person, foreign enterprise or organization that files a lawsuit or submits a defense in a people's court shall have the same litigation rights and obligations as citizens, legal persons and other organizations of the People's Republic of China. Where the courts of a foreign country impose restrictions on the civil litigation rights of citizens, legal persons and other organizations of the People's Republic of China, the people's courts of the People's Republic of China shall apply the principle of reciprocity to the civil litigation rights of citizens, enterprises and organizations of that country.

Chapter XXV — Jurisdiction

Article 276. The parties to a foreign-related civil dispute may agree in writing to choose the people's court at a place that has an actual connection with the dispute to exercise jurisdiction. Where the dispute falls within the exclusive jurisdiction of the people's courts of China, the provisions on exclusive jurisdiction shall apply.

Article 277. Where a defendant in a foreign-related civil case raises no objection to the jurisdiction of the people's court and submits a statement of defense, the people's court shall be deemed to have jurisdiction, unless the provisions on jurisdiction by level and exclusive jurisdiction are contravened.

Article 278. The people's courts of the People's Republic of China shall have jurisdiction over the following civil cases: (1) cases involving disputes arising from the establishment, dissolution or liquidation of legal persons or other organizations within the territory of China, and disputes arising from resolutions of such legal persons or other organizations; (2) cases involving disputes arising from the validity of intellectual property rights granted within the territory of China; and (3) cases involving disputes arising from the performance of contracts for Sino-foreign equity joint ventures, Sino-foreign cooperative joint ventures or Sino-foreign cooperative exploration and development of natural resources within the territory of China.

Article 279. The people's courts of the People's Republic of China shall have exclusive jurisdiction over the following civil cases: (1) cases involving disputes arising from the establishment, dissolution or liquidation of legal persons or other organizations within the territory of China, and disputes arising from resolutions of such legal persons or other organizations; (2) cases involving disputes arising from examination of the validity of intellectual property rights granted within the territory of China, such as patent rights and trademark rights; and (3) cases involving disputes arising from the performance of contracts for Sino-foreign equity joint ventures, Sino-foreign cooperative joint ventures or Sino-foreign cooperative exploration and development of natural resources within the territory of China.

Article 280. Where a defendant in a foreign-related civil case who has no domicile within the territory of the People's Republic of China raises an objection to jurisdiction, the objection shall be raised prior to the submission of the statement of defense. The people's court shall, within 15 days of receiving the objection to jurisdiction, examine the objection and render a ruling. Where the defendant is dissatisfied with the ruling, it may file an appeal within 30 days of the ruling being served.

Article 281. Where the parties to a foreign-related civil dispute have entered into an arbitration agreement and may not file a lawsuit with the people's court in accordance with the law, the people's court shall rule to reject the lawsuit. However, this shall not apply where the arbitration agreement is invalid, inoperative, or incapable of being performed.

Chapter XXVI — Service and Time Periods

Article 282. Service of process on a party who has no domicile within the territory of the People's Republic of China may be made by the following methods: (1) in accordance with the method specified in the international treaty concluded or acceded to by the People's Republic of China and the country where the person on whom service is to be made is located; (2) through diplomatic channels; (3) through the embassy or consulate of the People's Republic of China in the relevant country, where the person on whom service is

Source: https://www.danyoungcpa.com/civil-procedure-law-of-the-peoples-republic-of-china-full-english-translation-2023-amendment/

to be made is a citizen of the People's Republic of China; (4) by service on the agent ad litem of the person on whom service is to be made; (5) by service on the representative office or branch office or business agent established by the person on whom service is to be made within the territory of the People's Republic of China; (6) by mail, where the law of the country where the person on whom service is to be made is located permits service by mail; (7) by electronic means such as fax and email, where it is possible to confirm receipt; (8) by public notice, where service cannot be made by any of the foregoing methods, in which case service shall be deemed completed 60 days after the date on which the public notice is issued; and (9) by other methods agreed upon by the parties.

Article 283. Where a party applies for property preservation before or after filing a lawsuit in a foreign-related civil case, the people's court may, upon application by the party, rule to take property preservation measures in accordance with the law. Where a people's court decides to take property preservation measures in a foreign-related civil case, such measures shall be taken in accordance with the relevant provisions of this Law.

Article 284. The period for filing a statement of defense by a defendant who has no domicile within the territory of the People's Republic of China shall be 30 days from the date of receipt of the copy of the statement of complaint. Where the defendant applies for an extension of the period, the people's court shall decide whether to grant the extension.

Article 285. The period for filing an appeal by a party who has no domicile within the territory of the People's Republic of China against a judgment or ruling of first instance rendered by a people's court shall be 30 days from the date on which the written judgment or ruling is served. Where the appellant applies for an extension of the period for filing the appeal, the people's court shall decide whether to grant the extension.

Article 286. In the trial of a foreign-related civil case by a people's court, the time limit for trial shall not be subject to the restrictions of Articles 151 and 182 of this Law. However, the people's court shall conclude the trial of the case in a timely manner.

Article 287. In the trial of a foreign-related civil case by a people's court, the court language and characters of the People's Republic of China shall be used. Where a party is not familiar with the language and characters commonly used in China, a translator may be provided, and the expenses shall be borne by the party. Where the party and the people's court agree, the foreign language may be used for the litigation documents.

Chapter XXVII — Judicial Assistance

Article 288. Where a legally effective judgment or ruling rendered by a people's court requires enforcement by a foreign court and the party concerned applies for enforcement, the people's court may, in accordance with the international treaty concluded or acceded to by China or under the principle of reciprocity, request the competent foreign court to recognize and enforce the judgment or ruling. Where a legally effective judgment or ruling rendered by a foreign court requires recognition and enforcement by a people's court and the party concerned applies directly to the intermediate people's court with jurisdiction, the intermediate people's court may handle the case in accordance with the international treaty concluded or acceded to by China or under the principle of reciprocity.

Article 289. Where an arbitral award rendered by a foreign arbitration institution requires recognition and enforcement by a people's court, the party concerned shall apply directly to the intermediate people's court at the place where the person subject to enforcement is domiciled or at the place where the property subject to enforcement is located. The people's court shall handle the matter in accordance with the international treaty concluded or acceded to by the People's Republic of China or under the principle of reciprocity.

Article 290. Where a people's court provides judicial assistance to a foreign court, it shall handle the matter in accordance with the procedure prescribed by the laws of the People's Republic of China. Where a foreign court requests special measures, the measures may be employed provided that they do not contravene the

Source: https://www.danyoungcpa.com/civil-procedure-law-of-the-peoples-republic-of-china-full-english-translation-2023-amendment/

laws of the People's Republic of China.

Article 291. Where a people's court provides judicial assistance, the request from the foreign court and the documents attached thereto shall be accompanied by a Chinese translation. Where the laws of the requesting country require a translation of documents provided by the people's court into the official language of that country, the people's court shall provide a translation into the official language of that country. The authenticity of the translation shall be certified.

Article 292. The people's court shall examine an application or request for recognition and enforcement of a judgment or ruling rendered by a foreign court in accordance with the international treaty concluded or acceded to by the People's Republic of China or under the principle of reciprocity. Where the people's court determines that the application or request does not contravene the basic principles of the laws of the People's Republic of China or the sovereignty, security or public interest of the state, it shall rule to recognize the validity of the judgment or ruling and, where enforcement is required, issue an enforcement order for enforcement in accordance with the relevant provisions of this Law. Where the application or request contravenes the basic principles of the laws of the People's Republic of China or the sovereignty, security or public interest of the state, the people's court shall rule to refuse recognition and enforcement.

Article 293. Where a legally effective judgment or ruling rendered by a foreign court requires recognition and enforcement in the People's Republic of China, the party concerned may apply directly to the intermediate people's court with jurisdiction for recognition and enforcement. The foreign court may also, in accordance with the provisions of the international treaty concluded or acceded to by the People's Republic of China and the foreign country or under the principle of reciprocity, request the people's court to recognize and enforce the judgment or ruling.

Article 294. Where an applicant applies to a people's court for recognition and enforcement of a judgment or ruling rendered by a foreign court, it shall submit a written application and the following documents: (1) the original or a certified copy of the judgment or ruling rendered by the foreign court; (2) a document certifying that the judgment or ruling has taken legal effect, unless the judgment or ruling itself indicates that it has taken legal effect; (3) a document certifying that the party against whom enforcement is sought has been lawfully summoned, or that the party has been given a reasonable opportunity to present its case, in the case of a default judgment; and (4) a document certifying that the party who has no capacity for civil conduct has been properly represented. The documents specified in the preceding paragraph shall be accompanied by a certified Chinese translation.

Article 295. The people's court shall, within two months of accepting an application for recognition and enforcement of a judgment or ruling rendered by a foreign court, render a ruling. Under special circumstances where an extension is necessary, an extension may be granted with the approval of the president of the court. The ruling shall take effect upon service on the parties. Where the parties are dissatisfied with the ruling, they may apply to the people's court at the next higher level for reconsideration within 10 days of the ruling being served.

Article 296. Where a party applies for recognition and enforcement of a judgment or ruling rendered by a foreign court and the people's court is trying a case involving the same dispute between the same parties, the people's court may suspend the trial of the case. Where the people's court rules to recognize and enforce the judgment or ruling rendered by the foreign court, the people's court shall terminate the trial. Where the people's court rules to refuse recognition and enforcement, the trial shall be resumed.

Article 297. The people's court shall examine an application for recognition of a legally effective divorce judgment rendered by a foreign court. Where the people's court determines that the judgment does not contravene the basic principles of the laws of the People's Republic of China or the sovereignty, security or public interest of the state, it shall rule to recognize the validity of the judgment. The provisions of Article 294 of this Law shall apply, mutatis mutandis, to the application documents.

Source: https://www.danyoungcpa.com/civil-procedure-law-of-the-peoples-republic-of-china-full-english-translation-2023-amendment/

Article 298. An application for recognition and enforcement of a judgment or ruling rendered by a foreign court shall be filed within two years of the judgment or ruling taking legal effect. The provisions of Article 239 of this Law shall apply, mutatis mutandis, to the period for filing the application.

Article 299. The people's court may, upon application by a party, rule to take preservation measures in accordance with the law before ruling on recognition and enforcement of a judgment or ruling rendered by a foreign court, after the application for recognition and enforcement is accepted. Where the applicant applies for preservation measures, it shall provide security. Where the applicant fails to provide security, the application shall be rejected.

Article 300. The people's court shall rule to recognize and enforce an effective judgment or ruling rendered by a foreign court, unless the people's court finds that: (1) the foreign court has no jurisdiction over the case according to the law of the PRC; (2) the party against whom enforcement is sought was not lawfully summoned or was not given a reasonable opportunity to present its case; (3) the judgment or ruling was obtained by fraud; (4) the people's court has already rendered a judgment or ruling on the same dispute or has already recognized a judgment or ruling of a third country on the same dispute which has entered into legal effect; or (5) recognition or enforcement would contravene the basic principles of the law of the PRC or the sovereignty, security or public interest of the PRC.

Article 301. Where the people's court receives a request for judicial assistance from a foreign court, it shall examine the request in accordance with the law. Where the request contravenes the basic principles of the laws of the People's Republic of China or the sovereignty, security or public interest of the state, the people's court shall refuse to provide judicial assistance. Where the request relates to a matter that does not fall within the scope of judicial authority, the people's court shall return the request and explain the reasons.

Article 302. Where a people's court requests judicial assistance from a foreign court, the request shall be made through the channels prescribed in the international treaty concluded or acceded to by the People's Republic of China. In the absence of treaty relations, the request may be made through diplomatic channels. The request and the documents attached thereto shall be accompanied by a translation into the official language of the requested country or the language agreed upon in the international treaty.

Article 303. The expenses incurred in providing judicial assistance shall be borne by the requested country, unless otherwise provided in the international treaty concluded or acceded to by the People's Republic of China.

Article 304. Where a party applies for property preservation in a foreign-related civil case, the people's court shall, in accordance with the relevant provisions of this Law, examine the application and render a ruling. The property preservation measures shall include seizure, attachment, freezing or other methods prescribed by law. In a foreign-related civil case, the period for property preservation taken before the filing of a lawsuit shall be 30 days. Where the applicant fails to file a lawsuit or apply for arbitration within 30 days, the people's court shall lift the property preservation.

Article 305. The people's courts shall, in accordance with the law, equally protect the lawful rights and interests of both domestic and foreign parties to civil litigation. No discrimination or restriction shall be imposed on foreign parties in the exercise of their litigation rights, except for those restrictions applied on the basis of the principle of reciprocity in accordance with the law.

Article 306. This Law shall enter into force as of the date of its promulgation. The Civil Procedure Law of the People's Republic of China (For Trial Implementation), adopted at the 22nd Meeting of the Standing Committee of the Fifth National People's Congress on March 8, 1982, shall be repealed on the same date.

Disclaimer:

Source: https://www.danyoungcpa.com/civil-procedure-law-of-the-peoples-republic-of-china-full-english-translation-2023-amendment/

This English translation is provided for informational and reference purposes only. It is an unofficial translation prepared by Dan Young Business Consultancy. While every effort has been made to ensure accuracy, the official Chinese text as published by the National People's Congress shall prevail in all legal matters. Foreign investors are advised to consult qualified legal counsel before relying on any provision herein for business or legal decisions. Dan Young Business Consultancy assumes no liability for errors, omissions, or reliance on this translation.