Civil Procedure Law of the PRC

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Amended in accordance with the Decision on Amending the Civil Procedure Law of the People's Republic of China adopted at the 30th Meeting of the Standing Committee of the Tenth National People's Congress on October 28, 2007; amended for the second time in accordance with the Decision on Amending the Civil Procedure Law of the People's Republic of China adopted at the 28th Meeting of the Standing Committee of the Eleventh National People's Congress on August 31, 2012; amended for the third time in accordance with the Decision on Amending the Civil Procedure Law of the People's Republic of China adopted at the 32nd Meeting of the Standing Committee of the Thirteenth National People's Congress on December 24, 2021

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Part I — General Provisions

Chapter I — Tasks, Scope of Application and Basic Principles

Article 1 — This Law is enacted on the basis of the Constitution and in light of the experience and actual circumstances of civil adjudication in China, 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, applying the law correctly, adjudicating civil cases in a timely manner, confirming the existence of civil rights and obligations, imposing sanctions for civil violations, protecting the lawful rights and interests of the parties, educating citizens to voluntarily abide by the law, maintaining social and economic order, and safeguarding the smooth progress of the socialist construction cause.

Article 2 — The Civil Procedure Law of the People's Republic of China shall apply to all civil actions accepted by the people's courts within the territory of the People's Republic of China involving citizens, legal persons, other organizations and the relations among them arising from property and personal relationships.

Article 3 — In civil proceedings, the people's courts shall exercise the power of adjudication 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 parties shall have equal litigation rights. The people's courts shall, in adjudicating civil cases, safeguard and facilitate the exercise of litigation rights by the parties, and shall treat all parties equally in the application of law.

Article 5 — In adjudicating civil cases, the people's courts shall follow the principle of taking facts as the basis and the law as the criterion.

Article 6 — Civil cases shall be adjudicated by the people's courts in accordance with the provisions of the law on the collegiate system and the system of recusal. Civil cases shall be tried in open court, except where the law provides otherwise. Civil cases of second instance shall be adjudicated by a collegial panel

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composed of judges. When applying the summary procedure, civil cases shall be adjudicated by a single judge alone. In civil cases where the basic facts are clear and the rights and obligations are unambiguous, first instance adjudication may be conducted by a single judge alone, except where the law provides that a collegial panel must be formed.

Article 7 — The parties shall have the right to debate the disputed issues.

Article 8 — The parties shall have the right to settle disputes through conciliation within the scope permitted by law. The people's courts shall conduct conciliation based on the principle of voluntariness and legality. Where conciliation fails, judgment shall be rendered in a timely manner.

Article 9 — In civil proceedings, the people's courts shall implement the system of two instances with the second instance being final, in accordance with the provisions of the law.

Article 10 — In adjudicating civil cases, the people's courts shall implement the system of public trial in accordance with the provisions of the law, except for cases involving state secrets, personal privacy, or as otherwise provided by law. Divorce cases and cases involving trade secrets may be heard in camera upon application by the parties.

Chapter II — Jurisdiction

Section 1 — Jurisdiction by Forum Level

Article 11 — The primary people's courts shall have jurisdiction over civil cases of first instance, except as otherwise provided by this Law.

Article 12 — The intermediate people's courts shall have jurisdiction over the following civil cases of first instance:

(1) major cases involving foreign elements;

(2) cases that have a significant impact within their respective jurisdictions; and

(3) cases that the Supreme People's Court determines shall be subject to the jurisdiction of the intermediate people's courts.

Article 13 — The high people's courts shall have jurisdiction over civil cases of first instance that have a significant impact within their respective jurisdictions.

Article 14 — The Supreme People's Court shall have jurisdiction over the following civil cases of first instance:

(1) cases that have a significant impact nationwide; and

(2) cases that the Supreme People's Court deems shall be adjudicated by itself.

Section 2 — Territorial Jurisdiction

Article 15 — A civil action 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 action shall be under the jurisdiction of the people's court at the place of his habitual residence. A civil action brought against a legal person or any 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 action are within the jurisdictions of two or more people's courts, each of those people's courts shall have jurisdiction.

Article 16 — The following civil actions 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 action shall be under the jurisdiction of the people's court at the place of the plaintiff's habitual residence:

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(1) an action concerning the personal status of a person who does not reside within the territory of the People's Republic of China;

(2) an action concerning the personal status of a person whose whereabouts are unknown or who has been declared missing;

(3) an action brought against a person who is subject to compulsory educational measures; and

(4) an action brought against a person who is incarcerated.

Article 17 — A civil action brought for 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 18 — A civil action brought for a dispute arising from an insurance contract 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 19 — A civil action brought for a dispute arising from a negotiable instrument shall be under the jurisdiction of the people's court at the place where the instrument is to be paid or at the place where the defendant is domiciled.

Article 20 — A civil action brought for a tort 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 21 — A civil action brought for a dispute arising from a traffic accident by railway, highway, waterway or air transport shall be under the jurisdiction of the people's court at the place where the accident occurred, or at the place where the vehicle or vessel first arrived, or at the place where the aircraft first landed, or at the place where the defendant is domiciled.

Article 22 — The following civil actions shall be under the exclusive jurisdiction of the people's courts specified below:

(1) an action brought for a dispute arising from an immovable property shall be under the jurisdiction of the people's court at the place where the immovable property is located;

(2) an action brought for a dispute arising from port operations shall be under the jurisdiction of the people's court at the place where the port is located; and

(3) an action brought for a dispute arising from an 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.

Article 23 — The parties to a contractual dispute or a dispute arising from other property rights may, by a written agreement, select the people's court at the place where the defendant is domiciled, at the place where the contract is performed, at the place where the contract is signed, at the place where the plaintiff is domiciled, at the place where the subject matter is located, or any other place that has an actual connection with the dispute, to exercise jurisdiction, provided that the provisions of this Law regarding jurisdiction by forum level and exclusive jurisdiction are not violated.

Article 24 — Where a party raises no objection to jurisdiction and submits a defense to the people's court, the people's court seised of the case shall be deemed to have jurisdiction, provided that the provisions of this Law regarding jurisdiction by forum level and exclusive jurisdiction are not violated.

Section 3 — Transfer of Jurisdiction and Designation of Jurisdiction

Article 25 — Where a people's court discovers after accepting a case that the case is not within its jurisdiction, it shall transfer the case to the people's court that has jurisdiction, and the people's court to which the case has been transferred shall accept the case. Where the people's court to which the case has

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been transferred considers that the transferred case is not within its jurisdiction according to the relevant provisions, it shall request a higher-level people's court to designate jurisdiction and may not transfer the case on its own initiative.

Article 26 — Where a people's court that has jurisdiction is unable to exercise its jurisdiction due to special reasons, a higher-level people's court shall designate another people's court to exercise jurisdiction. Where a dispute over jurisdiction arises between people's courts, the dispute shall be resolved by the higher-level people's courts through consultation; where consultation fails, the higher-level people's court common to all the disputing courts shall designate jurisdiction.

Article 27 — A people's court at a higher level shall have the power to adjudicate civil cases of first instance that are under the jurisdiction of a people's court at a lower level. Where it is necessary for a people's court at a lower level to transfer a civil case of first instance under its jurisdiction to a people's court at a higher level for adjudication, it may request the higher-level people's court to adjudicate the case.

Chapter III — Trial Organization

Article 28 — In adjudicating civil cases of first instance, the people's courts shall form a collegial panel composed of judges and people's assessors, or composed solely of judges. The members of a collegial panel must be an odd number. Civil cases subject to the summary procedure shall be adjudicated by a single judge alone. In civil cases of first instance where the basic facts are clear and the rights and obligations are unambiguous, the primary people's courts and their dispatched tribunals, and the intermediate people's courts may adjudicate by a single judge alone, except where the law provides that a collegial panel must be formed.

Article 29 — In adjudicating civil cases of second instance, the people's courts shall form a collegial panel composed of judges. The members of a collegial panel must be an odd number.

Article 30 — Where a case is remanded for retrial, the original trial court shall form a new collegial panel in accordance with the procedure of first instance. Where a case is retried, the original trial court shall form a new collegial panel in accordance with the procedure of the original trial.

Article 31 — The president of the court or the chief judge of a division shall designate one judge to serve as the presiding judge of the collegial panel. Where the president of the court or the chief judge of a division participates in the adjudication, they shall serve as the presiding judge.

Article 32 — Where the members of a collegial panel disagree in their deliberation of a case, the decision shall be made in accordance with the opinion of the majority. The deliberation shall be recorded in writing and signed by all members of the collegial panel. The minority opinion shall be recorded in the written record.

Chapter IV — Recusal

Article 33 — A judicial officer shall voluntarily recuse himself, and a party shall have the right to request recusal by oral or written application, under any of the following circumstances:

(1) the judicial officer is a party to the case or a close relative of a party or the agent ad litem;

(2) the judicial officer has an interest in the case;

(3) the judicial officer has any other relationship with a party to the case that may affect the impartial adjudication of the case; or

(4) the judicial officer meets privately with a party or the agent ad litem, or accepts a dinner invitation or gifts from a party or the agent ad litem.

The provisions of the preceding paragraph shall apply to court clerks, interpreters, expert examiners and inspectors.

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Article 34 — Where a party applies for recusal, the party shall explain the reasons and submit the application at the beginning of the court session. Where the grounds for recusal become known only after the commencement of the court session, the application may also be submitted before the conclusion of the court debate. Where a case requires recusal before the commencement of court proceedings, the people's court shall make a decision within three days. Where the respondent disagrees with the decision, the respondent may apply for reconsideration once.

Chapter V — Litigation Participants

Section 1 — Parties

Article 35 — Citizens, legal persons and other organizations may act as parties in civil proceedings. Legal persons shall be represented in litigation by their legal representatives. Other organizations shall be represented in litigation by their principal responsible persons.

Article 36 — The parties shall have the right to appoint agents, apply for recusal, collect and submit evidence, conduct debate, request conciliation, file an appeal, and apply for execution. The parties may inspect the materials of the case and copy the materials and legal documents of 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, observe the order of litigation, and execute any legally effective written judgments, rulings, and conciliation statements.

Article 37 — The parties may settle the dispute on their own. The plaintiff may waive or alter the claims. The defendant may admit or refute the claims and shall have the right to file a counterclaim.

Part II — Trial Procedure

Chapter XII — Ordinary Procedure of First Instance

Section 1 — Filing and Accepting Cases

Article 38 — To file a civil action, the following conditions must be satisfied:

(1) the plaintiff is a citizen, legal person or other organization that has a direct interest in the case;

(2) there is a clear defendant;

(3) there are specific claims, facts, and grounds; and

(4) the action falls within the scope of civil actions accepted by the people's courts and within the jurisdiction of the people's court with which the action is filed.

Article 39 — When filing an action, a written complaint shall be submitted to the people's court, together with copies equal to the number of defendants. Where it is genuinely difficult for the plaintiff to prepare a written complaint, the plaintiff may file the action orally, and the people's court shall record the action in the written record and inform the opposing party.

Article 40 — A written complaint shall clearly state the following matters:

(1) the name, gender, age, ethnicity, occupation, work unit, domicile and contact information of the plaintiff; the name, domicile and contact information of the legal person or other organization, and the name, position and contact information of its legal representative or principal responsible person;

(2) the name, gender, work unit, domicile and other information of the defendant, and the name, domicile and other information of the legal person or other organization;

(3) the claims and the facts and grounds on which the claims are based; and

(4) the evidence and the source of evidence, and the names and domiciles of witnesses.

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Article 41 — The people's court shall, within seven days of receiving the written complaint, docket the case if it meets the conditions for filing; or issue a ruling not to accept the complaint if the conditions are not met. Where the plaintiff disagrees with the ruling, the plaintiff may file an appeal.

Section 2 — Pre-Trial Preparation

Article 42 — The people's court shall, within five days of docketing the case, serve a copy of the written complaint on the defendant, and the defendant shall file a statement of defense within 15 days of receiving the copy. The people's court shall, within five days of receiving the statement of defense, serve a copy on the plaintiff. Failure by the defendant to file a statement of defense shall not affect the adjudication of the case by the people's court.

Article 43 — The collegial panel shall examine the litigation materials and conduct investigation and collection of evidence as necessary.

Section 3 — Court Hearing

Article 44 — Civil cases adjudicated by the people's courts shall, except for those involving state secrets, personal privacy, or as otherwise provided by law, be tried in open court. Divorce cases and cases involving trade secrets may be heard in camera upon application by the parties.

Article 45 — The people's court shall, three days before the court hearing, notify the parties and other litigation participants. Where a case is tried in open court, the names of the parties, the cause of action, and the time and place of the court hearing shall be publicly announced.

Article 46 — Before the commencement of the court hearing, the court clerk shall ascertain whether the parties and other litigation participants are present and announce the courtroom rules. At the commencement of the court hearing, the presiding judge shall check the parties, announce the cause of action, announce the names of the judicial officers and the court clerk, inform the parties of their litigation rights and obligations, and ask the parties whether they wish to apply for recusal.

Article 47 — The court investigation shall proceed in the following order:

(1) statements by the parties;

(2) notification of witnesses of their rights and obligations, examination of witnesses, and reading aloud of the testimony of absent witnesses;

(3) presentation of documentary evidence, physical evidence, audio-visual materials and electronic data; and

(4) reading aloud of expert examination opinions and inspection records.

Article 48 — During the court debate, the debate shall proceed in the following order:

(1) oral statement by the plaintiff and the agent ad litem;

(2) oral defense by the defendant and the agent ad litem;

(3) oral statement by the third party and the agent ad litem; and

(4) mutual debate.

At the conclusion of the court debate, the presiding judge shall ask each party in turn for their final statement and may conduct conciliation in accordance with the principle of voluntariness.

Article 49 — Where the plaintiff, having been summoned by a subpoena, refuses to appear in court without a legitimate reason, or withdraws from the court hearing without the permission of the court, the case may be treated as withdrawn; where the defendant files a counterclaim, a default judgment may be entered. Where the defendant, having been summoned by a subpoena, refuses to appear in court without a legitimate reason, or withdraws from the court hearing without the permission of the court, a default judgment may be

entered.

Article 50 — Under any of the following circumstances, the court hearing shall be adjourned:

(1) a party who must appear in court and other litigation participants who must appear in court fail to appear in court for a legitimate reason;

(2) a party applies for recusal on an ad hoc basis;

(3) it is necessary to summon new witnesses, or to collect new evidence, or to conduct a new expert examination or inspection, or to conduct a supplementary investigation; or

(4) other circumstances that require adjournment.

Article 51 — The court clerk shall record the entire course of the court hearing in the written record, which shall be signed by the judicial officers and the court clerk. The parties and other litigation participants shall have the right to request correction of any omission or error in the written record and must sign or affix their seals to the written record after reading it.

Section 5 — Judgments and Rulings

Article 52 — All judgments of the people's courts shall be rendered in public regardless of whether they are adjudicated in open court or in camera. When a judgment is pronounced, the parties must be informed of their right to appeal, the time limit for appeal, and the appellate court. When a divorce judgment is pronounced, the parties must be informed that they may not marry again before the judgment becomes legally effective.

Article 53 — The time limit for adjudicating a case under the ordinary procedure of first instance shall be six months from the date of docketing the case. Where an extension is necessary under special circumstances, it shall be subject to the approval of the president of the court, and the extension may be for six months; where a further extension is necessary, it shall be reported to the people's court at a higher level for approval.

Part III — Procedure of Execution

Chapter XIX — General Provisions

Article 54 — Legally effective civil judgments, rulings and conciliation statements, as well as the property-related portions of criminal judgments and rulings, shall be executed by the people's court of first instance or by the people's court at the place where the property to be executed is located, at the same level as the people's court of first instance, as designated by the people's court of first instance. Other legal documents that are required by law to be executed by the people's courts shall be executed by the people's court at the place where the person subject to execution is domiciled or at the place where the property subject to execution is located.

Article 55 — Where a party or an interested party considers that an execution act violates the provisions of law, the party or interested party may file a written objection with the people's court responsible for execution. Where the party or interested party disagrees with the ruling, it may apply to the people's court at the next higher level for reconsideration within ten days of the date of service of the ruling.

Article 56 — The time limit for execution shall be two years. The time limit for execution shall be suspended or interrupted in accordance with the provisions of law on the suspension or interruption of the limitation of actions.

Article 57 — Where the person subject to execution fails to perform the obligations specified in the legal document in accordance with the execution notice, the person subject to execution shall report its current and previous year's property status to the execution court. Where the person subject to execution refuses to

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report or makes a false report, the people's court may impose a fine or detention on the person subject to execution or the legal representative or the principal responsible person of the entity subject to execution.

Chapter XX — Execution Measures

Article 58 — Where the person subject to execution fails to perform the obligations specified in the legal document as required by the execution notice, the people's court shall have the power to make inquiries with the relevant entities regarding the deposits, bonds, stocks, fund units and other property of the person subject to execution, and shall have the power to seize, freeze, transfer or sell the property of the person subject to execution. When the people's court makes inquiries, seizes, freezes, transfers or sells property, the scope shall not exceed the amount of the obligations to be performed by the person subject to execution.

Article 59 — When conducting the seizure or freezing of property, the people's court shall issue a ruling and issue a notice of assistance in execution, and the relevant entities must comply. The people's court shall retain the living necessities of the person subject to execution and his dependent family members.

Part IV — Special Provisions on Civil Procedure Involving Foreign Elements

Chapter XXIII — General Principles

Article 60 — The provisions of this Part shall apply to civil actions involving foreign elements within the territory of the People's Republic of China. Where this Part does not provide for a matter, the other relevant provisions of this Law shall apply.

Article 61 — Where an international treaty concluded or acceded to by the People's Republic of China contains provisions that differ from those of this Law, the provisions of the international treaty shall apply, except for provisions to which the People's Republic of China has declared reservation.

Article 62 — Where a foreign national, a stateless person, or a foreign enterprise or organization needs to appoint a lawyer to act as agent ad litem in a civil action before a people's court, the party shall appoint a lawyer qualified to practice law in the People's Republic of China.

Article 63 — Where a party to a civil action involving a foreign element that is pending before a people's court applies for property preservation, the people's court may order the applicant to provide security. Where the applicant fails to provide security, the application shall be dismissed.

Chapter XXIV — Jurisdiction

Article 64 — The parties to a dispute arising from a foreign-related contract or a dispute arising from other foreign-related property rights may, by written agreement, select a court at a place that has an actual connection with the dispute to exercise jurisdiction. Where a people's court of the People's Republic of China is selected to exercise jurisdiction, the provisions of this Law regarding jurisdiction by forum level and exclusive jurisdiction shall not be violated.

Article 65 — Where the defendant in a civil action involving a foreign element raises no objection to the jurisdiction of the people's court seised of the case and files a defense, the people's court shall be deemed to have jurisdiction.

Article 66 — The following civil actions brought in relation to a dispute arising from the establishment, shareholders' rights, or the like of a legal person or other organization within the territory of the People's Republic of China shall be under the exclusive jurisdiction of the people's courts of the People's Republic of China.

Chapter XXVII — Judicial Assistance

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Article 67 — Where service of process abroad is necessary in accordance with an international treaty concluded or acceded to by the People's Republic of China or on the basis of the principle of reciprocity, the people's court may effect service through the following means:

(1) in accordance with the means specified in the international treaty concluded or acceded to by the People's Republic of China;

(2) through diplomatic channels;

(3) by entrusting the embassy or consulate of the People's Republic of China in the relevant country to effect service on a Chinese national;

(4) by service on the agent ad litem of the person on whom service is to be effected;

(5) by service on the representative office or branch office established by the person on whom service is to be effected within the territory of the People's Republic of China;

(6) by service through postal means, where the law of the country where the person on whom service is to be effected is located permits service by postal means; and

(7) by public notice, where none of the above means can be used. Service shall be deemed effected three months after the date of the public notice.

Article 68 — Where a legally effective judgment or ruling of a people's court of the People's Republic of China requires recognition and enforcement by a foreign court, the party may directly apply to the competent foreign court for recognition and enforcement, or the people's court may request recognition and enforcement by the competent foreign court in accordance with the provisions of an international treaty concluded or acceded to by the People's Republic of China or on the basis of the principle of reciprocity.

Article 69 — Where a legally effective judgment or ruling of a foreign court requires recognition and enforcement by a people's court of the People's Republic of China, the party may directly apply to the competent intermediate people's court of the People's Republic of China for recognition and enforcement, or the foreign court may request recognition and enforcement by the people's court in accordance with the provisions of an international treaty concluded or acceded to by the People's Republic of China or on the basis of the principle of reciprocity. The people's court shall examine the application and issue a ruling recognizing the validity of the judgment or ruling, and issue an execution order for enforcement in accordance with the relevant provisions of this Law, unless the application violates the basic principles of the law of the People's Republic of China or the sovereignty, security or public interest of the State.

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