

Provisions of the Supreme People's Court on Several Issues Concerning the Trial of Civil Dispute Cases Involving Criminal Offenses

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Article 1 — In hearing civil dispute cases involving criminal offenses, the people's courts shall attach importance to the organic connection and overall coordination between criminal procedure and civil procedure, so as to ensure that the handling of cases is conducive to the uniform application of law, conducive to the timely and effective protection of the lawful rights and interests of the parties, and conducive to fostering a law-based business environment.

Article 2 — For the purposes of these Provisions, "civil dispute cases involving criminal offenses" refers to cases in which the relevant civil dispute and the criminal case involve the same facts or related facts.

For the purposes of these Provisions, "the same facts" refers to circumstances in which the parties and the basic facts of the civil case and the criminal case are identical.

Article 3 — Where a party files a civil action on the basis of facts that are related to, but not identical with, an act that is suspected of constituting, or constitutes, a crime (hereinafter referred to as "constituting a crime"), and any of the following circumstances exists, the people's court shall accept the case in accordance with law:

- (1) the actor's act of concluding a contract in the name of a legal person, an unincorporated organization or another person constitutes a crime, and the counterparty requests the legal person, unincorporated organization or other person that has not constituted a crime to bear civil liability;
- (2) the act performed in the course of duty by a legal representative, a person in charge or a staff member constitutes a crime, and the counterparty to the contract or the person entitled to compensation for the tortious act requests the legal person or unincorporated organization that has not constituted a crime to bear civil liability;
- (3) the debtor's act of concluding the principal contract constitutes a crime, and the creditor requests a guarantor who is not an accomplice of the debtor to bear civil liability;
- (4) there are two or more debtors, the act of some of whom constitutes a crime, and the creditor requests the other debtors to bear civil liability;
- (5) a tortious act constitutes a crime, and the insured, the beneficiary of an insurance contract or another person entitled to compensation requests the insurer to pay the insurance proceeds; or
- (6) other circumstances in which a party files a civil action on the basis of facts related to, but not identical with, the criminal act.

Article 4 — A civil case accepted in accordance with Article 3 of these Provisions shall be tried separately from the related criminal case and shall not be affected by the criminal procedure. However, where the determination of the basic facts of the civil case must be based on the outcome of the trial of the criminal case and the criminal case has not yet been concluded, the civil action shall be ordered to be suspended in

accordance with law. After the cause of the suspension ceases to exist, the action shall be resumed in a timely manner.

Where a civil case and the related criminal case are tried separately by different people's courts, the relevant people's courts shall promptly notify each other of information such as the acceptance of the cases, the progress of the trial and the results of the judgment.

Article 5 — During the trial of a civil case, where a party applies for suspension of the civil action on the basis of a criminal case filing receipt or the like, and upon review the people's court finds that the conditions for suspending the action are not satisfied, it shall not grant the application.

During the trial of a civil case, where a relevant authority requests that the case be transferred to it for handling on the ground that it has already placed the facts involved in the civil case on file as a criminal case, the people's court shall conduct careful review. Where upon review it finds that the civil case and the criminal case do not involve the same facts, it shall notify the relevant authority of the circumstances and the reasons and continue the trial; where the circumstances specified in the proviso of paragraph 1 of Article 4 of these Provisions are satisfied, it shall order suspension of the civil action in accordance with law.

During the trial of a civil case, where the people's court discovers leads or evidentiary materials indicating suspected crimes or improper criminal prosecution, it shall promptly transfer them to the relevant authority.

Article 6 — Facts that have been determined by an effective criminal judgment need not be proved by the parties in the relevant civil action, unless there is contrary evidence sufficient to overturn them.

Where, during the civil action, a party provides contrary evidence sufficient to overturn the facts on which the conviction and sentencing were based and which were determined by an effective criminal judgment, the people's court trying the civil case shall promptly notify, by letter, the people's court that rendered the effective criminal judgment of the relevant circumstances.

In the circumstances described in the preceding paragraph, where the people's court that rendered the effective criminal judgment considers that the original judgment is not erroneous, the people's court trying the civil case shall report to the common people's court at the next higher level for review and handling.

Article 7 — Where, during the civil action, a party uses as evidence such evidentiary materials as the statements and defenses of the criminal suspect or defendant and the testimony of witnesses from the relevant criminal procedure, and such evidentiary materials have neither been used as the basis for deciding the criminal case nor been excluded as illegally obtained evidence, the people's court shall organize cross-examination by the parties in accordance with the Civil Procedure Law and decide whether to admit them based on the results of the cross-examination.

Article 8 — Facts that were not determined in an effective criminal judgment because they did not meet the standard of proof in criminal procedure may be determined in accordance with law during the trial of the relevant civil case if, upon review, they are found to meet the standard of proof in civil procedure.

Article 9 — Where a party files a civil action in accordance with Article 3 of these Provisions and requests a subject other than the criminal defendant to bear civil liability, and the opposing party claims that the portion already returned or compensated through criminal recovery, ordered restitution and the like should be correspondingly deducted in the civil judgment, the people's court shall grant such claim in accordance with law.

After a civil judgment takes effect, where the person subject to enforcement claims that the portion already returned or compensated through criminal recovery, ordered restitution and the like should be correspondingly deducted in the civil enforcement procedure, the people's court shall grant such claim in accordance with law.

Article 10 — Where an outsider files a civil action claiming rights over property that has been sealed up, seized or frozen in a criminal case, the people's court shall not accept the case and shall inform the outsider that it may lodge a petition or complaint with the authority handling the case. Where the criminal case has already been brought before a people's court, the outsider shall also be informed that it may raise an objection to the ownership with the people's court trying the criminal case; the people's court trying the criminal case shall hear the opinions of the outsider and, where necessary, notify the outsider to appear in court.

Where an outsider considers that the handling of the property involved in the case by an effective criminal judgment infringes upon its lawful rights and interests and files a petition in accordance with the procedure for trial supervision, the people's court shall review and handle it in accordance with law.

Article 11 — After a unit has entered criminal procedure on suspicion of committing a crime, where a relevant party applies for the bankruptcy of the unit and the conditions for acceptance are satisfied, the people's court may accept the application in accordance with law.

After the people's court accepts the bankruptcy application, the bankruptcy procedure and the criminal procedure may proceed separately, and coordination shall be made between the recovery of unlawful gains in the criminal procedure and the collection of the debtor's property in the bankruptcy procedure, so as to protect, in an integrated and coordinated manner and in accordance with law, the lawful rights and interests of both the criminal victims and the bankruptcy creditors.

Where the relevant staff members of a unit commit a crime in the name of the unit and it is not treated as a unit crime in accordance with law, and during the criminal procedure a relevant party applies for the bankruptcy of the unit, the provisions of the preceding two paragraphs shall apply by reference.

Article 12 — After a judgment in a civil action collateral to criminal proceedings takes effect, where a party files a separate civil action for newly incurred expenses for treatment and rehabilitation such as medical expenses and nursing expenses, the people's court shall accept the case in accordance with law.

Article 13 — Where a criminal act causes personal injury and the criminal procedure cannot proceed for a relatively long period because the criminal suspect or defendant is at large, and a party files a civil action seeking damages, the people's court may accept the case in accordance with law; where the circumstances specified in Article 109 of the Civil Procedure Law are satisfied, it may order advance execution upon the application of a party.

Article 14 — Where, in the course of enforcing a civil judgment, the people's court finds that the facts of the case constitute part of the facts of a crime such as illegal fund-raising, it shall order suspension of enforcement and promptly transfer the relevant materials to the authority handling the criminal case. Where an effective criminal judgment determines that the applicant for enforcement in the relevant civil judgment is a participant in fund-raising or the like, enforcement shall be carried out in accordance with the criminal judgment, and enforcement of the civil judgment shall be terminated. The portion of the civil judgment that has already been enforced shall be correspondingly deducted in the criminal judgment or the criminal enforcement procedure.

Article 15 — Where any of the following circumstances under which criminal liability is not pursued in accordance with law exists, and a party files a civil action based on the same facts, the people's court shall accept the case in accordance with law:

- (1) the relevant authority decides not to place the case on file or revokes the case;
- (2) the people's procuratorate decides not to initiate prosecution;
- (3) an effective judgment declares the defendant not guilty or not criminally liable; or
- (4) other circumstances under which criminal liability is not pursued.

Where part of the facts of a criminal case fall under the circumstances specified in the preceding paragraph and a party files a civil action based on such part of the facts, the people's court shall accept the case in accordance with law.

In the circumstances described in the preceding two paragraphs, the bearing of the relevant civil liability shall be determined in accordance with the Civil Code and other laws.

Article 16 — Where, during the criminal procedure, a victim or his or her legal representative or close relative files a civil action collateral to criminal proceedings, and upon trial the people's court determines that the defendant's act does not constitute a crime, it may conduct mediation in respect of the collateral civil action; where no agreement can be reached through mediation, it may render a judgment on the criminal case and the collateral civil action together, and the bearing of the relevant civil liability shall be determined in accordance with the Civil Code and other laws.

Article 17 — Where an actor's act of concluding a contract constitutes a crime, the validity of the relevant contract and whether it takes effect against the principal and others shall be determined in accordance with the Civil Code.

Article 18 — Where a legal representative, a person in charge or an agent, in malicious collusion with the counterparty, concludes a contract in the name of a legal person or an unincorporated organization, thereby harming the lawful rights and interests of the legal person or unincorporated organization and constituting a crime, and a party claims that the contract is void by invoking the provisions of Article 154 of the Civil Code on malicious collusion, the people's court shall not grant such claim.

With respect to a contract specified in the preceding paragraph, where the counterparty claims that the contract takes effect against the legal person or unincorporated organization, the people's court shall not grant such claim, unless the legal person or unincorporated organization ratifies it.

Where the circumstances specified in paragraph 1 exist and the legal person or unincorporated organization suffers losses as a result and requests the legal representative, the person in charge or the agent and the counterparty to bear joint and several liability, the people's court shall grant such request.

Article 19 — Where an actor's act of concluding a contract in the name of a legal person, an unincorporated organization or another person constitutes a crime of fraud, contract fraud, fraudulently obtaining loans or the like, and the counterparty requests the legal person, unincorporated organization or other person that has not constituted a crime to bear civil liability, the people's court shall handle the matter by distinguishing the following circumstances:

(1) where the actor's act of concluding the contract constitutes authorized agency or apparent agency, and the counterparty claims that the contract takes effect against the legal person, unincorporated organization or other person and that the latter bears liability for breach of contract, such claim shall be granted in accordance with law; or

(2) where the actor's act of concluding the contract constitutes unauthorized agency and does not constitute apparent agency, and the counterparty claims that the contract takes effect against the legal person, unincorporated organization or other person and that the latter bears liability for breach of contract, such claim shall not be granted; where the legal person, unincorporated organization or other person is at fault, it may be adjudged to bear corresponding liability for compensation by reference to Article 157 of the Civil Code.

Where the act of a legal representative, a person in charge or a staff member in concluding a contract in the name of a legal person or an unincorporated organization constitutes a crime of fraud, contract fraud, fraudulently obtaining loans or the like, and the counterparty claims that the contract takes effect against the legal person or unincorporated organization that has not constituted a crime and that the latter bears liability for breach of contract, the matter shall be handled by reference to the preceding paragraph.

Article 20 — Where an actor concludes a contract in the name of a legal person or an unincorporated organization and unlawfully takes possession of or misappropriates the property obtained, and this is determined by an effective criminal judgment to constitute a crime of occupational embezzlement, misappropriation of funds or the like, and the counterparty claims that the contract takes effect against the legal person or unincorporated organization and that the latter bears liability for breach of contract, the people's court shall grant such claim in accordance with law. Where the counterparty is at fault for the occurrence of the loss, the corresponding amount of damages may be reduced.

Article 21 — Where the debtor's act of concluding the principal contract constitutes a crime and the creditor sues the guarantor, the people's court shall examine the validity of the principal contract in accordance with law. Where the principal contract is valid but any of the following circumstances exists, and the guarantor requests revocation of the guaranty contract within the period for exercising the right prescribed by law, the people's court shall grant such request:

- (1) the debtor under the principal contract, by fraud, causes the guarantor to provide the guaranty against its true intention, and the creditor knew or should have known of such fraud;
- (2) the debtor under the principal contract, by duress, causes the guarantor to provide the guaranty against its true intention;
- (3) the creditor committed fraud, duress or other revocable acts when concluding the guaranty contract with the guarantor; or
- (4) the guaranty contract is subject to other revocable circumstances.

Where, because the guaranty contract is void or has been revoked, the creditor requests the guarantor to bear liability for damages, the people's court shall, comprehensively considering such factors as the guarantor's professional status, cognitive capacity and relationship with the debtor, determine whether the guarantor is at fault and the degree of fault, and determine the liability for compensation it shall bear in accordance with law.

Where the debtor's act of concluding the principal contract constitutes a crime, the creditor fails to perform its duty of reasonable review and is at fault for the conclusion of the principal contract and the occurrence of the loss, and the guarantor claims appropriate reduction of its liability, the people's court shall grant such claim in accordance with law.

Article 22 — With respect to a civil case in which the trial is resumed after suspension of the action in accordance with these Provisions, where the parties dispute the interest for the period of suspension, the people's court may organize full debate among the parties on this issue and, based on the parties' claims and comprehensively considering such factors as whether they are at fault, the degree of fault, the capacity to perform and the length of the period of suspension, reasonably determine the interest for the period of suspension.

Article 23 — Where laws, administrative regulations and the like provide for the handling of civil dispute cases involving crimes such as illegal fund-raising, such provisions shall prevail; where no such provisions exist, these Provisions shall apply.

Article 24 — These Provisions shall take effect as of September 22, 2026.

Where judicial interpretations previously issued by the Supreme People's Court are inconsistent with these Provisions, these Provisions shall prevail.

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