
DECISION OF THE STANDING COMMITTEE OF THE NATIONAL PEOPLE'S CONGRESS ON AMENDING THE CIVIL PROCEDURE LAW OF THE PEOPLE'S REPUBLIC OF CHINA

(Adopted at the Fifth Session of the Standing Committee of the Fourteenth National People's Congress on
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The Fifth Session of the Standing Committee of the Fourteenth National People's Congress decides to amend the Civil Procedure Law of the People's Republic of China as follows:

I. Article 40 is amended to read: "For the trial of a civil case of first instance, a collegial panel shall be formed jointly by judges and people's assessors, or solely by judges. The number of members of the collegial panel must be an odd number.

"Civil cases tried under the summary procedure shall be tried by a single judge alone. For civil cases of first instance tried by a basic people's court where the basic facts are clear and the rights-obligations relationship is definite, a single judge may try the case alone by applying the ordinary procedure.

"When participating in trial activities, people's assessors shall have equal rights and obligations as judges, unless otherwise provided by law."

II. Paragraph 4 of Article 47 is amended to read: "The provisions of the preceding three paragraphs apply to judges' assistants, court clerks, judicial technical personnel, interpreters, evaluators, and surveyors."

III. Article 115 is amended to read: "Where parties maliciously collude and attempt to infringe upon state interests, public interests of society, or the lawful rights and interests of others through litigation, mediation, or other means, the people's court shall reject their claims and impose fines or detention according to the seriousness of the circumstances; if a crime is constituted, criminal liability shall be investigated according to law.

"Where a party fabricates unilaterally the basic facts of a civil case and files a lawsuit with the people's court, attempting to infringe upon state interests, public interests of society, or the lawful rights and interests of others, the provisions of the preceding paragraph shall apply."

IV. Paragraph 2 of Article 130 is amended to read: "If a party does not raise an objection to jurisdiction and responds to the action or files a counterclaim, the people's court that accepted the case shall be deemed to have jurisdiction, except where provisions on hierarchical jurisdiction or exclusive jurisdiction are violated."

V. Paragraph 2 of Article 140 is amended to read:

"At the commencement of the court session, the presiding judge or the single judge shall verify the parties, announce the cause of action, announce the name list of the judicial personnel, judges' assistants, court clerks, etc., inform the parties of their relevant litigation rights and obligations, and inquire whether the parties apply for withdrawal."

VI. Article 184 is amended to read: "This Chapter applies to cases tried by people's courts involving voter qualification, declaration of missing persons or declaration of death, designation of estate administrators, determination of a citizen as having no capacity or limited capacity for civil conduct, determination of property as ownerless, confirmation of mediation agreements, and realization of security interests in property. For matters not provided in this Chapter, the relevant provisions of this Law and other laws shall apply."

VII. After Section 3 of Chapter XV, one section is added as Section 4:

"Section 4 Cases on Designation of Estate Administrators

"Article 194 Where a dispute arises over the determination of an estate administrator, an interested party applying for the designation of an estate administrator shall file the application with the basic people's court of the place of the deceased's domicile at the time of death or the location of the principal estate.

"The application shall state the time of the deceased's death, the reasons for the application and the specific requests, and shall be accompanied by relevant evidence of the deceased's death.

"Article 195 After accepting an application, the people's court shall examine and verify it, and shall designate an estate administrator by judgment in accordance with the principle of benefiting estate management.

"Article 196 Where a designated estate administrator dies, is terminated, loses capacity for civil conduct, or other circumstances exist making it impossible to continue performing estate management duties, the people's court may designate another estate administrator upon application by an interested party or the administrator him/herself.

"Article 197 Where an estate administrator violates estate management duties, seriously infringing upon the lawful rights and interests of heirs, legatees, or creditors, the people's court may, upon

application by an interested party, revoke his/her qualification as estate administrator and designate a new estate administrator according to law.”

VIII. Article 272 is changed to be Article 276 and amended to read: “For filing a lawsuit other than one concerning personal status against a defendant who has no domicile within the territory of the People’s Republic of China for a foreign-related civil dispute, if the place of contract conclusion, place of contract performance, location of the subject matter of the suit, location of attachable property, place of the tortious act, or domicile of the representative office is located within the territory of the People’s Republic of China, the lawsuit may be under the jurisdiction of the people’s court of the place of contract conclusion, place of contract performance, location of the subject matter of the suit, location of attachable property, place of the tortious act, or domicile of the representative office.

“In addition to the circumstances provided in the preceding paragraph, if the foreign-related civil dispute has other appropriate connections with the People’s Republic of China, it may be under the jurisdiction of a people’s court.”

IX. One article is added as Article 277: “Where parties to a foreign-related civil dispute agree in writing to choose a people’s court for jurisdiction, the case may be under the jurisdiction of that people’s court.”

X. One article is added as Article 278: “If a party does not raise an objection to jurisdiction and responds to the action or files a counterclaim, the people’s court shall be deemed to have jurisdiction.”

XI. Article 273 is changed to be Article 279 and amended to read: “The following civil cases shall be under the exclusive jurisdiction of a people’s court:

1. “A lawsuit arising from a dispute over the establishment, dissolution, or liquidation of a legal person or other organization established within the territory of the People’s Republic of China, or the validity of resolutions made by such legal person or organization;
2. “A lawsuit arising from a dispute concerning the validity of intellectual property rights examined and granted within the territory of the People’s Republic of China;
3. “A lawsuit arising from a dispute over the performance within the territory of the People’s

Republic of China of a contract for a Chinese-foreign equity joint venture, a Chinese-foreign cooperative joint venture, or for Chinese-foreign cooperative exploration and development of natural resources.”

XII. One article is added as Article 280: “For the same dispute between parties, where one party files a lawsuit with a foreign court and the other party files a lawsuit with a people’s court, or one party files lawsuits with both a foreign court and a people’s court, the people’s court may accept the case if it has jurisdiction according to this Law. Where the parties conclude an exclusive jurisdiction agreement choosing a foreign court for jurisdiction, which does not violate the provisions of this Law on exclusive jurisdiction and does not involve the sovereignty, security, or social public interests of the People’s Republic of China, the people’s court may rule not to accept the case; if already accepted, it shall rule to dismiss the lawsuit.”

XIII. One article is added as Article 281: “After the people’s court accepts a case according to the provisions of the preceding article, if a party applies in writing to the people’s court for suspension of the proceedings on the grounds that the foreign court accepted the case earlier than the people’s court, the people’s court may rule to suspend the proceedings, except under any of the following circumstances:

1. “The parties agreed to choose the people’s court for jurisdiction, or the dispute falls under the exclusive jurisdiction of a people’s court;
2. “Trial by the people’s court is manifestly more convenient.

“Where the foreign court fails to take necessary measures to try the case, or fails to conclude the trial within a reasonable period, upon the written application of a party, the people’s court shall resume the proceedings.

“Where a legally effective judgment or ruling made by a foreign court has been wholly or partially recognized by a people’s court, and a party files a lawsuit with the people’s court regarding the part already recognized, the people’s court shall rule not to accept the case; if already accepted, it shall rule to dismiss the lawsuit.”

XIV. One article is added as Article 282: “For a foreign-related civil case accepted by a people’s court,

where the defendant raises an objection to jurisdiction and simultaneously the following circumstances exist, the people's court may rule to dismiss the lawsuit and inform the plaintiff to file the lawsuit with a more convenient foreign court:

1. "The basic facts of the dispute did not occur within the territory of the People's Republic of China, and trying the case by the people's court and the parties' participation in the proceedings are both manifestly inconvenient;
2. "There is no agreement between the parties choosing the people's court for jurisdiction;
3. "The case does not fall under the exclusive jurisdiction of a people's court;
4. "The case does not involve the sovereignty, security, or social public interests of the People's Republic of China;
5. "Trying the case by a foreign court is more convenient.

"After a ruling to dismiss the lawsuit, if the foreign court refuses to exercise jurisdiction over the dispute, or fails to take necessary measures to try the case, or fails to conclude the trial within a reasonable period, and the party files a lawsuit again with the people's court, the people's court shall accept the case."

XV. The title of Chapter 25 is amended to be "Service, Taking of Evidence, Time Periods".

XVI. Article 274 is changed to be Article 283 and amended to read: "For serving litigation documents on a party who has no domicile within the territory of the People's Republic of China, the people's court may adopt the following methods:

1. "Serve in the manner provided in the international treaties concluded or jointly participated in by the country where the person to be served resides and the People's Republic of China;
2. "Serve through diplomatic channels;
3. "For a person to be served who has the nationality of the People's Republic of China, entrust the embassy or consulate of the People's Republic of China in the country where the person to be served resides on its behalf;
4. "Serve on the litigation agent entrusted by the person to be served in this case;
5. "Serve on the wholly foreign-owned enterprise, representative office, branch, or business agent with the authority to accept service established within the territory of the People's

- Republic of China by the person to be served;
6. "Where the person to be served is a foreigner or stateless person, and serves as the legal representative or principal responsible person of a legal person or other organization established within the territory of the People's Republic of China, and is a co-defendant with that legal person or organization, serve on that legal person or organization;
7. "Where the person to be served is a foreign legal person or other organization, and its legal representative or principal responsible person is within the territory of the People's Republic of China, serve on its legal representative or principal responsible person;
8. "If the law of the country where the person to be served resides permits service by mail, service may be by mail; if the return receipt is not returned after three months from the date of mailing, but it can be sufficiently determined based on various circumstances that service has been effected, the date of expiry of the period shall be deemed the date of service;
9. "Serve by electronic means that can confirm the person to be served has received the documents, unless prohibited by the law of the country where the person to be served resides;
10. "Serve by other means agreed to by the person to be served, unless prohibited by the law of the country where the person to be served resides.

"If service cannot be effected by the above methods, service shall be by public notice. Service shall be deemed effected upon the expiration of 60 days from the date of the public notice."

XVII. One article is added as Article 284: "Where evidence that a party applies to the people's court to investigate and collect is located outside the territory of the People's Republic of China, the people's court may investigate and collect it in the manner provided in the international treaties concluded or jointly participated in by the country where the evidence is located and the People's Republic of China, or through diplomatic channels.

"Where not prohibited by the law of the country where it is located, the people's court may adopt the following methods to investigate and collect evidence:

1. "For a party or witness who has the nationality of the People's Republic of China in the country

where the party or witness resides to take evidence on its behalf;

2. "With the consent of both parties, take evidence through instant communication tools;
3. "Take evidence by other means agreed to try both parties."

XVIII. Article 287 is changed to be Article 297, and its paragraph 2 is amended to read: "Where a party requests enforcement of a legally effective arbitral award made according to law within the territory of the People's Republic of China, if the person against whom enforcement is sought or his/her property is not within the territory of the People's Republic of China, the party may directly apply to a competent foreign court for recognition and enforcement."

XIX. Article 288 is changed to be Article 298 and amended to read: "For a legally effective judgment or ruling made by a foreign court that needs recognition and enforcement by a people's court, the party may directly apply to the intermediate people's court with jurisdiction for recognition and enforcement, or the foreign court may request the people's court to recognize and enforce it according to the provisions of international treaties concluded or participated in by that country and the People's Republic of China, or based on the principle of reciprocity."

XX. Article 289 is changed to be Article 299 and amended to read: "After reviewing a legally effective judgment or ruling made by a foreign court for which application or request for recognition and enforcement is made, in accordance with the international treaties concluded or participated in by the People's Republic of China or based on the principle of reciprocity, if the people's court considers that it does not violate the basic principles of the law of the People's Republic of China nor impairs state sovereignty, security, or social public interests, it shall rule to recognize its effectiveness; if enforcement is needed, it shall issue an enforcement order and enforce it according to the relevant provisions of this Law."

XXI. One article is added as Article 300: "For a legally effective judgement or ruling made by a foreign court for which application or request for recognition and enforcement is made, if upon examination by the people's court, any of the following circum-

stances exist, it shall rule not to recognize and enforce:

1. "According to the provisions of Article 301 of this Law, the foreign court had no jurisdiction over the case;
2. "The respondent was not duly summoned, or although duly summoned was not given a reasonable opportunity to present his/her case and argue, or a party with no litigation capacity was not properly represented;
3. "The judgement or ruling was obtained through fraud;
4. "The people's court has already made a judgement or ruling on the same dispute, or has already recognized a judgement or ruling made by a court of a third country on the same dispute;
5. "It violates the basic principles of the law of the People's Republic of China or impairs state sovereignty, security, or social public interests."

XII. One article is added as Article 301: "Under any of the following circumstances, the people's court shall determine that the foreign court had no jurisdiction over the case:

1. "The foreign court had no jurisdiction over the case according to its law, or although having jurisdiction according to its law, had no appropriate connection with the dispute involved in the case;
2. "Violating the provisions of this Law on exclusive jurisdiction;
3. "Violating the parties' agreement on exclusive choice of court jurisdiction."

XIII. One article is added as Article 302: "Where a party applies to a people's court for recognition and enforcement of a legally effective judgment or ruling made by a foreign court, and the dispute involved in that judgment or ruling is the same as the dispute being tried by the people's court, the people's court may rule to suspend the proceedings.

"If the legally effective judgment or ruling made by the foreign court does not meet the conditions for recognition stipulated in this Law, the people's court shall rule not to recognize and enforce it and resume the suspended proceedings; if it meets the conditions for recognition stipulated in this Law, the people's court shall rule to recognize its effectiveness; if enforcement is needed, it shall issue an enforcement order and enforce it according to the

relevant provisions of this Law; for the suspended proceedings, it shall rule to dismiss the lawsuit.”

XIV. One article is added as Article 303: “If a party is dissatisfied with a ruling on recognition and enforcement or non-recognition and non-enforcement, the party may apply for reconsideration to the people’s court at the next higher level within ten days from the date the ruling is served.”

XV. Article 290 is changed to be Article 304 and amended to read: “For a legally effective arbitral award made outside the territory of the People’s Republic of China that needs recognition and enforcement by a people’s court, the party may directly apply to the intermediate people’s court of the place of domicile of the person against whom enforcement is sought or the location of his/her property. If the domicile of the person against whom enforcement is sought or his/her property is not within the territory of the People’s Republic of China, the party may apply to the intermediate people’s court of the place of domicile of the applicant or a place with an appropriate connection to the dispute of the award. The people’s court shall handle the matter in accordance with the international treaties concluded or participated in by the People’s Republic of China or based on the principle of reciprocity.”

XVI. One article is added as Article 305: “Civil lawsuits involving a foreign state shall be governed by the laws and regulations of the People’s Republic of China concerning foreign state immunity; if there are no relevant legal provisions, this Law shall apply.”

This Decision shall come into force on January 1, 2024.

The Civil Procedure Law of the People’s Republic of China shall be revised correspondingly according to this Decision, the order of articles shall be adjusted accordingly, and it shall be re-promulgated.



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