

The Most Frequently Asked Questions and Answers

1. What is the procedure of service of judicial documents issued by foreign judicial authority in China?

The procedure of service is as follows:

A foreign Forwarding Party sends a request to the Ministry of Justice of China(MOJ), and the request should be in the Hague Forms of the Hague Service Convention---> the MOJ of China forwards the papers to the Supreme People's Court of China(SPC) after a preliminary review of the request and judicial documents attached----> the SPC of China reviews the request and, distributes them to a local court through provincial high courts and intermediate courts, ---->the local court arranges the service, then sends back the proof of service to the MOJ of China along the same route, backwards-----> the MOJ of China issues a formal certificate and sends it back to the foreign Forwarding Party.

2. Is request transferred by email acceptable to the Chinese Central Authority?

No. According to the Chinese Civil Procedure Law, the court officer must serve the **original hard** copies of the judicial documents on the recipient. Therefore, scanned copies transferred by email or only duplicated copy without the original signature is not acceptable.

3. What is the new requirement on digital copy of the request?

As from 1 January 2013, in order to facilitate the submission and the process of review, the Chinese Central Authority encourages all the foreign Forwarding Parties to submit only one original copy of the request, along with another digital copy (PDF format preferable) saved on a disc or transferred by email.

The Chinese side prefers the new way, and the old way of providing two hard copies (one original for service, the other duplicated for return) is still acceptable though.

4. Can the foreign judicial documents be served directly to a recipient in the territory of China by mail from abroad?

No. The Ministry of Justice is the only legal authority to receive requests for service of judicial document from abroad. Any attempt of service by postal way from abroad is opposed and invalid.

It is encouraged to report to the MOJ of China if any person or entity in the territory of China is served with the judicial documents by any foreign judicial authority through postal way.

But foreign embassies or consulates in China could serve judicial documents to its own citizen without application of any compulsory measure.

5. How long does it take to finish a service in China?

Usually, it takes 4 to 6 months to finish one service. But this period could be shorter or longer depending on the location of the recipient.

6. Is there any way to speed up the process of service in China?

No. The process of service is to be conducted by the local court according to the

Chinese Civil Procedure Law.

7. Besides postal service, is express delivery of requests for service acceptable to the Chinese Central Authority?

Yes. Many foreign Forwarding Parties use DHL, FedEx, etc. to submit the papers to the Chinese Central Authority and all of them work well.

8. Is there any receipt after the Chinese Central Authority receives the request for service coming from foreign countries?

No. After the documents are received, they will be registered with a number, and then processed. After the service is finished, the Central Authority will issue an official Certificate of service and send it back to the Forwarding Party.

But the Forwarding authorities may inquire about the status of the requests once 30 calendar days following the submission have elapsed.

9. Should the judicial documents be legalized or notarized before they are forwarded to the Chinese Central Authority?

No. According to The Hague Service Convention, the legalization or notarization of the judicial documents transferred between the Central Authorities is not necessary.

10. Are there any requirements on the Chinese translation?

No, as long as it is accurate and credible. However, to ensure a stable and fare good Chinese translation, it is suggested that the judicial documents be translated by the ILCC itself, while the translation fees is to be borne by the Forwarding Party.

11. Why is there a service fee occurred?

Currently, service fees are only charged on the requests coming from the US and Canada on a reciprocal basis and at the equivalent amount.

In the US case, the service fees are charged with the rate of 95.00USD per recipient in China. These fees should be paid by Cashier's Check payable to the Supreme People's Court of China.

In Canadian case, the service fees are charged with the rate of 100.00CAD per recipient in China. These fees should be paid by Cashier's Check payable to the Supreme People's Court of China.

12. Is personal service or service by leaving the documents with the recipient available in China?

Yes. According to the Chinese Civil Procedure Law, personal service or service by leaving the documents with the recipient is possible. But the Forwarding Party should clearly specify this under Option a) of the Request Form if it requires so.

13. Can a request for service be submitted by a third party, for instance, a Chinese law firm or other entity entrusted by the foreign Forwarding Party?

To avoid any confusion, the Chinese Central Authority prefers to receive the request directly from its original country.

14. The contact information of the Chinese Central Authority for the Hague Service

Convention:

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