

Appendix 92 – Provisions of the People’s Court’s Recognition of the Verdicts of Civil Cases made by Courts of Taiwan Province (1998)

Source: The Supreme People’s Court The Provisions on the People’s Court’s Recognition of the Verdicts on Civil Cases Made By Courts of Taiwan Province, Ministry of Commerce People’s Republic of China. 1998. Available at: <http://english.mofcom.gov.cn/article/lawsdata/chineselaw/200211/20021100053403.shtml> (accessed 28 August 2015).

THE SUPREME PEOPLE'S COURT

(Approved at the No. 957 Session of the Judicial Committee of the Supreme People's Court on January 15, 1998 to be effective as of May 26, 1998)

Article 1 This set of regulations is formulated with a view to safeguarding the interests and litigation rights of related persons and parties of Taiwan Province and other provinces, autonomous regions, and municipalities that are under the direct jurisdiction of the Central Government in civil proceedings.

Article 2 Those persons and parties whose permanent domicile, habitual residence, or involved properties are in other provinces, autonomous regions or municipalities other than Taiwan can apply for recognition of verdicts made by courts in Taiwan on civil cases from the People's Court on the basis of this set of regulations.

Article 3 A particular intermediate People's Court accepts and hears applications of related persons and parties whose domiciles, habitual residences or involved properties are located in the same place of the intermediate People's Court concerned.

Article 4 An applicant should submit the application together with the original or the verified copy of the civil verdict made by a court in Taiwan under no violation to the One-China principle and/or other testifying documents.

Article 5 The application shall contain the following items:

- (1) Name, sex, age, occupation, ID number, application time, and address of the applicant (Note: If the applicant is legal person or any other organization, then such information as the name and address of the legal person or organization, or the name and post of the legal representative should be addressed.);
- (2) How should the subpoena or notice of the lawsuit and related certificated documents to be sent to related persons and parties;
- (3) Contents and reasons for the application;
- (4) Other contents required to be addressed.

Article 6 Upon receiving the application, the People's Court shall check the application to see whether it is in conformance with the stipulations of Article 4 and Article 5. If conformity is found, the Court shall accept the case within seven days. If not, the Court shall deny to accept the case and notify the applicant with the reasons for the denial within seven days.\

Article 7 The examination and recognition of verdicts on civil cases made by courts in Taiwan shall be done by the collegial panel of the People's Court.

Article 8 Whereas a People's Court fails to decide on the effectiveness of a verdict made by a Taiwan court after accepting an application for recognition, it shall notify the applicant to submit testifying documents furnished by the court that has made the verdict.

Article 9 Verdicts made by Taiwan courts that have any of the following conditions shall not be recognized:

- (1) The effectiveness of the verdicts on civil cases involved in the application has not yet been verified;
- (2) The civil verdict has been made in the lack of presence of legal subpoena to the defendant, or under impotence of defendant in legal acts both in person and in commission;
- (3) The civil case falls under the total jurisdiction of the People's Court;
- (4) The parties in the civil action have entered into arbitration agreement previously;
- (5) The case has had a ruling from the People's Court, a verdict from foreign or overseas regional court or an arbitration from an overseas arbitral organ which is recognized by the People's Court;
- (6) The civil case applied for recognition goes against the basic principles of national laws and regulations, or inflict harms to social and public interests.

Article 10 After an examination to the application, the People's Court is entitled to recognize the effect of a verdict on civil case made by a court in Taiwan, only if the case is not in violation of the stipulations under Article 9.

Article 11 If the applicant entrusts his/her agent ad Litem to process with the application for the recognition of the verdict on civil case made by a court in Taiwan, then the agent ad Litem should submit the authorized and notarized proxy with the entrustor's signature or seal to the People's Court duly.

Article 12 Upon accepting the application for the recognition of the verdict made by a court in Taiwan, the People's Court shall not accept any suit brought against the same case.

Article 13 The People's Court shall accept a suit brought against a civil case which has had a verdict that though is actually made by a court in Taiwan but has not been applied to the People's Court for recognition.

Article 14 After applying to the People's Court for a recognition, a verdict made on a civil case by a court in Taiwan may still be withdrawn only if a rule has not yet been made by the People's Court.

Article 15 Upon a denial by the People's Court for recognition upon application, a verdict on a civil case made by a court in Taiwan may not be applied again for a recognition. However, a suit on the same case may be brought to the People's Court.

Article 16 For a suit on civil case having been sent to the People's Court for a verdict, whereas one of the parties applies for recognition of a verdict made by a court in Taiwan on the case, the People's Court shall temporarily terminate the suit for an examination on the application. And whereas a recognition is found justified after the examination, a recognition to the verdict concerned shall be given and at the same time the corresponding suit shall be closed. However, whereas to give a recognition that is found unjustified, the corresponding suit shall be opened again.

Article 17 The application for recognition of a verdict on a civil case made by a court in Taiwan should be made one year after the verdict takes effect.

Article 18 Whereas a recognized verdict made by a court in Taiwan on a civil case has to be enforced, the enforcement shall be proceeded in accordance with The Law of Civil Procedure of the People's Republic of China.

Article 19 The set of regulations applies to the application for recognition of civil verdict and arbitration made by courts or arbitration organizations in Taiwan region.