

## **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 the 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 China forwards the files to the Supreme People's Court of China(SPC) after the preliminary review of the request materials ----> the SPC of China reviews the request materials and distributes them to local court ----> the local court arranges service, then sends back the report of service through the SPC to the MOJ China ----> the MOJ China issues formal certificate of service and sends it back to the foreign Forwarding Party.

2. Is request transferred by email acceptable to the Chinese Central Authority? How should we submit the requests?

We don't take request through email. Please submit your request through our online portal at [www.ilcc.online](http://www.ilcc.online) (register then use), where you may check the status and get the result of execution of your request as soon as we update the request.

The Chinese side prefers the online way of submission, the old way of sending hard copies (one original hard copy for service, another digital copy saved on CD or flash disk for archive) by post or courier is still acceptable though.

3. 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 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 citizens without application of any compulsory measure or breaking Chinese laws.

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

If the request is submitted through our online portal, the whole procedure could be very fast. The fastest record is 11 days (from the day of submission online to the day we issued the certificate of service).

In most cases, service could be completed in 3 months. But this period could be shorter or longer depending on the location of the recipient.

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5. 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.

6. Besides postal channel, is express delivery acceptable to the Chinese Central Authority?

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

Again, we encourage requesting parties to submit the requests through our online portal at [www.ilcc.online](http://www.ilcc.online). Once online submission is completed, you don't need to send the hard copies.

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

If the request is submitted through our online portal, there will be confirmation once submission is done, and a case number will be given. Later, the requesting party may log on the system and check the status of the case, communicate with our case clerks through the system.

If the request is submitted by post or courier, there is no receipt. But the Forwarding authorities may inquire about the status of the requests once 30 calendar days following the submission have elapsed.

8. 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.

9. Are there any requirements on the Chinese translation?

No notarization or legalization is needed on Chinese translation. However, to ensure a fare good Chinese translation, it is suggested that the judicial documents be translated by qualified professional human translators.

10. 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.

For the US, the service fees are charged with the rate of 95.00USD per recipient in China. For Canada, the rate is 100.00CAD. These fees should be paid by wire transfer to the account of the Supreme People's Court of China.

11. 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

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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.

12. 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.

13. The contact information of the Chinese Central Authority for the Hague Service Convention:

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