



**Hcch**

HAGUE CONFERENCE ON  
PRIVATE INTERNATIONAL LAW  
CONFÉRENCE DE LA HAYE  
DE DROIT INTERNATIONAL PRIVÉ

**Conference on International Litigation in the Asia Pacific  
Wuhan, 23 - 24 September 2013**

**QUESTIONNAIRE ADDRESSED TO STATES PARTICIPATING IN THE ASIA PACIFIC  
REGIONAL EVENT ON INTERNATIONAL LITIGATION**

The purpose of the Questionnaire is to collect information from States regarding the recognition and enforcement of foreign judgments and issues of international jurisdiction in the Asia Pacific region. This information will be used by the Permanent Bureau of the Hague Conference to create a country profile for each State that will assist delegates during the round table discussion session on the first day of the Conference. It is also hoped that the detailed information in the responses to this Questionnaire may be of use to participants beyond this conference.

The concept for the round table discussion session stems from the work the Permanent Bureau is currently undertaking on two key aspects of private international law in cross-border litigation: international jurisdiction and the recognition and enforcement of foreign judgments. A detailed chronology to the background of the work undertaken by the Hague Conference in this area can be located on the website of the Hague Conference < [www.hcch.net](http://www.hcch.net) >, under "Specialised Sections", then "Judgments Project".

The Questionnaire has two parts. Part I contains questions regarding the recognition and enforcement of foreign judgments and Part II contains questions on jurisdictional issues in international litigation. Please note that the Permanent Bureau has used the same terminology in the Questionnaire as that which was used in the two detailed notes that the Permanent Bureau recently prepared for the work being undertaken in this area. These notes identify the issues for consideration in the study of the recognition and enforcement of foreign judgments and jurisdiction in international litigation. For more information on these two topics and for a contextual background to the Questionnaire, please refer to these two notes which are located on the Judgments Project webpage listed above. The notes are titled, "Annotated Checklist of Issues to be discussed by the Working Group on Recognition and Enforcement of Judgments" (Note 1) "Issues Paper on Matters of Jurisdiction including Parallel Proceedings" (Note 2). A glossary of the terminology used is also located on the Judgments Project webpage, titled Annex I: Glossary to the Annotated Checklist.

The Permanent Bureau would very much appreciate receiving your response to this Questionnaire by 2 September 2013. Responses should be sent by e-mail to [secretariat@hcch.net](mailto:secretariat@hcch.net) with the following heading and indication in the subject field: "Questionnaire concerning international litigation - [name of State]". Your co-operation in responding to this Questionnaire is very much appreciated and will greatly assist during the round table discussion session.

**Identification (For follow-up purposes)**

**Name of the State:**

Name of contact person:

Telephone number:

E-mail address:

## **PART I – RECOGNITION AND ENFORCEMENT OF A FOREIGN COURT DECISION**

**NOTE:** If your State has a non-unified legal system (i.e., two or more systems of law which apply in different territorial units, and the information is available, please indicate the jurisdiction/s referred to in your answers.

1. Is your State a party to any bilateral and/or multilateral treaties and/or agreements that govern the recognition and enforcement of foreign judgments?

☐ YES

☒ NO

If yes, please specify.

2. Does your State have rules of national law that govern the recognition and enforcement of foreign court judgments in your State? (i.e., legislation or case law)

☐ YES

☒ NO

If yes, please specify.

3. Which courts in your State hear applications for the recognition and enforcement of foreign judgments?

Please specify.

4. Are there specific conditions that need to be met in order for a judgment to be recognised and enforced by a court in your State?

☐ YES

☒ NO

If yes, under what circumstances (e.g., the jurisdiction of the foreign court must be recognised, the respondent to the application for recognition and enforcement must have assets in your State, the judgment must be a monetary judgment that is final and conclusive)?

5. Can a court in your State refuse to recognise and enforce a foreign court judgment that otherwise meets the specific conditions identified in Part I question 4?

☐ YES

☒ NO

If yes, under what conditions (e.g., procedural fairness, lack of proper notice to the defendant, an inconsistent foreign or domestic judgment, parallel domestic proceedings)? In addition, are those grounds for refusal raised on the court's own motion or by the party opposing the recognition and enforcement application?

6. Is recognition and enforcement of a foreign judgment subject to a special procedure before a court in your State?

☐ YES

☒ NO

If yes, please describe the procedure.

7. What types of judgments are entitled to recognition and enforcement in your State?

☐ Judgments entered in default  
Comments.

☐ Provisional and protective measures  
Comments.

☐ Non-money judgments  
Comments.

☐ Judgments awarding non-compensatory damages  
Comments.

☐ Other.

If other, please specify.

8. In your State is it possible to appeal a court decision to recognise and enforce a foreign judgment?

☐ YES

☒ NO

If yes, under what circumstances.

9. What is the frequency of applications for recognition and enforcement of foreign court decisions per year? It is appreciated that this information may not be readily available in your Ministry however; such information may possibly be obtainable from the courts in your State.

☒ 0-5

☐ 5-10

☐ 10 - 20

☐ more than 20.

Any comments.

10. How many applications for recognition and enforcement of a foreign court decision are granted in your State?

- ☒ 0-5  
☐ 5-10  
☐ 10 - 20  
☐ more than 20.

Any comments.

## PART II - JURISDICTIONAL REQUIREMENTS

1. Is your State a party to any bilateral and / or multilateral treaties and / or agreements that govern issues of jurisdiction in international litigation?

- ☐ YES  
☒ NO

If yes, please specify.

2. Does your State have rules of national law that govern issues of jurisdiction in international litigation in your State? (i.e., legislation or case law)

- ☐ YES  
☒ NO

If yes, please specify.

3. Have the rules of international jurisdiction in your State recently been reviewed in your State? (e.g., by the legislators, law reform bodies, other professional bodies).

- ☐ YES  
☒ NO

Comments

4. In which of the following situations would the courts in your State have jurisdiction:

☐ where the defendant voluntarily submits to the jurisdiction  
Comments

☐ where the defendant is domiciled or resides in your State  
Comments

☐ where the defendant carries out regular commercial activity in your State  
Comments

☐ where the contract is performed or there is a breach of contract in your State  
Comments

☒ where a contract is concluded executed between parties in your State  
Comments

☐ where the parties to the dispute have designated the courts of your State for the purpose of deciding disputes between them?  
Comments

☐ where an injury occurs to a person as the result of a tortuous act occurring in your State  
Comments

☐ where damage occurs to tangible property as the result of a tortuous act occurring in your State  
Comments

☐ where the defendant does not reside in your State, but the defendant's immovable property is held in your State  
Comments

☐ Other  
Please specify

5. Is the nature of the above-mentioned grounds such that without these present a court is not entitled to hear a case?

☐ YES

☒ NO

Comments.

6. In which of the following situations would a court, otherwise having jurisdiction as described in part II question 4, decline to exercise its jurisdiction in your State:

☐ where there are identical proceedings (proceedings involving the same parties and the same cause of action) occurring in another State's courts  
Please indicate the relevant source of law and any comments.

☐ where there are related proceedings (those proceedings that do not have identical parties and causes of action but have related causes of action and parties)  
Please indicate the relevant source of law and any comments.

☐ where the court determines that it is an inappropriate forum  
Please indicate the relevant source of law and any comments.

☒ where it is in the interests of justice to do so  
Please provide any comments

☐ other  
Please indicate.

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**LOGISTICAL ASPECTS**

*The paragraphs below detail the various logistical aspects of your participation in the Conference on International Litigation in the Asia Pacific.*

*Please read this information carefully.*

**COSTS COVERED BY THE HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW**

The Hague Conference will cover the following costs:

1. return airfare to Wuhan **in economy class** for the dates of the Conference; and
2. hotel accommodation for two nights from 22 to 23 September 2013. Breakfast is included in the cost of the room and lunch will be provided during the conference. Participants will be required to cover the costs of all other meals. Participants wishing to extend their stay should arrange this directly with the hotel.

Please contact Ms Alix Ng (see contact details below) to arrange your flights and accommodation bookings.

**COSTS TO BE COVERED BY THE PARTICIPANT**

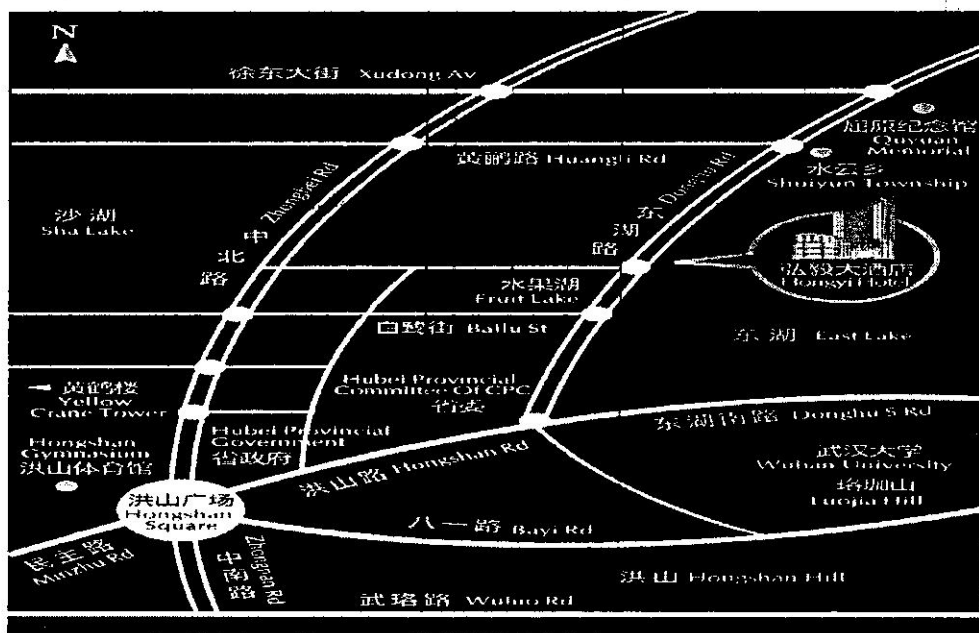
Please note that the following costs are not covered by the Hague Conference:

- last minute change or cancellation of flights without prior agreement
- travel or health insurance. Each participant is responsible for obtaining his own travel / health insurance. The Permanent Bureau shall not be liable for failure or non-purchase of travel insurance. Repatriation expenses and hospitalisation costs are therefore the responsibility of the participant.
- transport costs in Wuhan (including transfer to and from Wuhan Airport)
- any extra hotel costs: room-service / bar / minibar / laundry / telephone and any other costs incurred by the participant
- late check-out (extra night).

Any additional costs are at the expense of the participant and should be paid for directly.

## **ACCOMMODATION**

Accommodation has been reserved at the Wuhan Hongyi Hotel (<<http://www.wdhy-hotel.com/en/>>), No 136 Donghu Road, Wuchang District, Wuhan, Hubei, 430071, People's Republic of China.



## **VISA**

It is the responsibility of each participant to arrange any visa requirements. However, should you require any additional information in order to fulfil your visa requirements, please contact Ms Alix Ng (see contact details below).

## **CONFERENCE VENUE**

The conference will be held at the Wuhan Hongyi Hotel (Wuhan University International Academic Communication Centre), No 136 Donghu Road, Wuchang District, Wuhan, Hubei, 430071, People's Republic of China.

## **LANGUAGES**

The working language of the conference will be English.

Should you have any questions in relation to the above information, please contact:

- Ms Alix Ng (Hague Conference Hong Kong Regional Office): [an@hcch.nl](mailto:an@hcch.nl)

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