

**Questionnaire relating to the Convention of 15 November 1965
on the Service Abroad of Judicial and Extrajudicial Documents
In Civil or Commercial Matters (Service Convention)**

Responding State:

People's Republic of China

I. General Feedback

1. How does your State rate the general operation of the Service Convention?
(b) Good.
2. How does your State rate the useability of the HCCH [Practical Handbook on the Operation of the Service Convention](#)?
(b) Good.
3. Does your State's Central Authority have a manual or electronic case management register or system that is used to track incoming requests under the Service Convention?
(b) Yes – electronic for incoming and outgoing.
4. If your State's Central Authority has oversight for all outgoing requests, please indicate if there is a system used to track the progress of these.
(c) No.

II. Scope of the Convention

5. In the previous five years*, has your State experienced any difficulties in interpreting the scope of the Service Convention?

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(d) No.

A. Extrajudicial documents

6. Is the concept of "extrajudicial documents" (Art. 17) defined in the internal law of your State?
(b) No.
7. What types of extrajudicial documents are **transmitted** under the Service Convention by your State?

"China has not made request for service of extrajudicial documents. However, we have received requests from other States to assist in the service of extrajudicial documents such as payment notices, attorney's notice and others. China, after review, assisted in the execution of the above mentioned requests."

EXHIBIT

2

exhibitsticker.com

III. Operation of the Convention

Requesting State refers to the State from which a request for service is, or will be, issued.

Requested State refers to the State to which a request for service is, or will be, addressed.

8. As the **requested State**, does your State provide assistance to locate a person to be served under the Service Convention?

(The Special Commission, at its 2014 meeting, encouraged Contracting Parties to provide such assistance consistent with their legal and structural capabilities, when able to do so, see C&R No 23.)

- (a) Yes.

"The court would try to locate the person to be served. It is therefore advisable that the requesting State provide contact information of the addressee whenever possible."

9. As the **requesting State**, how would your State transmit a document for service upon another State, a State official, or a State-owned company?

- (b) The Service Convention would apply, through:

- (i) Main channel of transmission (Art. 5);
- (v) Postal channel (Art. 10(a));

10. As the **requested State**, how is a request for service on your State, State official or State-owned company executed?

"For requests under the Convention, the competent authority reviews on the basis of the Convention and domestic law. If the execution of request would infringe our sovereignty or security, as stated in Article 13 of the Convention, it will refuse to execute."

11. Does your State serve judicial and extrajudicial documents in the same way?

- (a) Yes.

A. Main Channel of Transmission (Art. 5)

12. In your State, what are the authorities or who are the persons competent to forward a request for service to a foreign Central Authority?

- (a) Courts / Tribunals.
- (f) Central Authority(ies).

"Note: The Ministry of Justice and Beijing, Shanghai, Zhejiang, Jiangsu, Fujian, Jiangxi, Shandong, Guangdong, Guangxi, Hainan High People ' s Courts."

13. Do outgoing requests for service have to be transmitted through your State's Central Authority?

- (b) No.

"Note: Beijing, Shanghai, Zhejiang, Jiangsu, Fujian, Jiangxi, Shandong, Guangdong, Guangxi, Hainan High People ' s Courts can also transmit request to other State ' s Central Authority."

14. As the **requested State**, when no particular method is requested by the applicant, what is the primary / default method of service? (Art. 5(1)(a))

- (g) Other.

"(b) Personal service. (c) By post."

15. In the previous five years*, as the **requested State**, has your State **received** a request with a particular method of service requested by the applicant? (Art. 5(1)(b))

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(a) Yes.

- 15.1. If yes, what method of service was requested?

(a) Personal service.

(f) Other.

"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."

- 15.2. If yes, was the requested method of service able to be executed?

(a) Yes.

16. In the previous five years*, as the **requesting State**, has your State's forwarding authorities requested a particular method of service? (Art. 5(1)(b))

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(b) No.

- 16.1. If yes, what particular method of service was requested?

N/A

- 16.2. If yes, was the requested method of service able to be executed?

N/A

- 16.3. If yes, were there costs associated with this method of service?

N/A

B. Alternative Channels of Transmission (Arts 8, 9 & 10)

State of origin refers to the State in which proceedings are commenced and where the document to be served originates.

State of destination refers to the State where service is, or will be, effected.

1. Model Form

Use of the Model Form is mandatory for the main channel of transmission. The Special Commission, at its 2009 meeting, urged State Parties to widely encourage the use of the part of the Model Form containing the "Summary", accompanied by the "Warning" (see C&R No 31).

17. As the **State of origin**, does your State use the “Warning” and “Summary” sections of the Model Form when transmitting a request through alternative channels?

(a) Always.

18. As the State of destination, does your State use the “Certificate” section of the Model Form when informing whether documents have been served (in response to a request received through alternative channels)?

(a) Always.

2. Diplomatic and Consular Agents (Art. 8)

19. In the previous five years*, have the diplomatic or consular agents of your State directly effected service of judicial or extrajudicial documents upon a person abroad? (Art. 8(1))

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(a) Yes.
“Only to Chinese people”

20. In the previous five years*, has service by diplomatic or consular agents of your State been rejected by the addressee? (Art. 8(1))

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(a) Yes.
“When rejected, diplomatic or consular agents of China will fill in certificates of non-service and send the certificates back to China.”

3. Diplomatic and Consular Channels (Art. 9)

21. In the previous five years*, has your State used consular channels to forward documents? (Art. 9(1))

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(b) No.

22. In the previous five years*, under exceptional circumstances, has your State used diplomatic channels to forward documents? (Art. 9(2))

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(b) No.

4. Postal Channel (Art. 10(a))

23. Has your State (as the **State of destination**) objected to service under Article 10(a)?

(a) Yes.

23.1. If an objection has been made under Article 10(a), does your State continue to use postal channels for service as the State of origin, despite the objection?

(a) Yes.

"Postal channels are used only when the State of destination does not object to service under Article 10(A)."

23.2. If no objection has been made, does your State, as the **State of destination**, accept the use of postal channels for service from other States of origin that have made an objection under Article 10(a)?

N/A

23.3. If no objection has been made, which of the following categories does your State recognise as a "postal channel" under Article 10(a)?

N/A

23.4. If no objection has been made, more specifically, would your State consider service by e-mail to be analogous to service by postal channels under Art. 10(a)?

N/A

23.5. If no objection has been made, does your State require the documents served to be translated into one of your State's official languages?

N/A

5. Judicial Officers, Officials or other Competent Persons (Art. 10(b))

24. Has your State objected to service under Article 10(b)?

(a) Yes.

24.1. If no objection has been made, which of the following categories does your State recognise as a "judicial officer, official or other competent person" under Article 10(b), either for sending or receiving?

N/A

24.2. If no objection has been made, how does this channel of transmission operate in practice?

N/A

24.3. If no objection has been made, are there costs associated with this channel of transmission?

N/A

6. Person Interested in a Judicial Proceeding (Art. 10(c))

25. Has your State objected to service under Article 10(c)?

(a) Yes.

25.1. If no, which of the following categories does your State recognise as “any person interested in a judicial proceeding” under Article 10(c), either for sending or receiving?

N/A

25.2. If no, how does this channel of transmission operate in practice?

N/A

25.3. If no, are there costs associated with this channel of transmission?

N/A

C. Refusal to Execute Request (Art. 13)

26. In the previous five years*, has your State refused a request for service on grounds of infringing “sovereignty or security”?

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(a) Yes.

27. In the previous five years*, has a request from your State been refused on grounds of infringing “sovereignty or security”?

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(b) No.

IV. Use of Information Technology

In 2019, the PB circulated a questionnaire on the use of information technology in relation to the operation of the Service Convention. That survey was concluded prior to the COVID-19 pandemic. The questions below seek information from Contracting Parties on the use of technology and in light of the pandemic.

28. Has your State taken any steps (including through legislation) to enable or increase the use of technology to facilitate the operation of the Service Convention, including in response to the COVID-19 pandemic?

(a) Yes.

“We have established a system.”

<https://www.hcch.net/en/states/authorities/details3/?aid=243>

29. Do the forwarding authorities of your State transmit requests under the Service Convention electronically?

(b) No.

29.1. If yes, what methods of transmission do the forwarding authorities of your State use?

N/A

30. Does your State's Central Authority accept requests under the Service Convention transmitted electronically in circumstances where **only** an electronic copy is provided (and where a paper copy is not subsequently provided)?

(a) Yes.

"Requests have to be signed or stamped."

30.1. If yes, what methods of transmission does your State accept?

(c) Electronic transmission via online platform administered by the government.

30.2. If no, please provide further information about why this is not yet possible.

N/A

31. Does your State permit execution of service via electronic means?

(a) Yes, this is possible via the following means:

"According to Article 90 of the Civil Procedure law of the People's Republic of China, with to consent of the person on whom a litigation document is to be served, a people's court may serve the litigation document by electronic means through which the receipt of the document can be confirmed. According to Article 10 of the Opinion on Further Strengthening Service Work in Civil Procedure, in strict compliance with the conditions prescribed by the civil procedure law and the judicial interpretation of the law regarding the use of electronic service, people's courts may actively explore the effective ways of electronic service and the preservation of service proof. A court with necessary resources may establish a special electronic service platform. It may also carry out electronic service by way of litigation service platform, as well as serve documents through a special email address, a specific communication number or an information public account by cooperating with large portal websites and communication operators. According to Article 11 of the above Opinion, if the service is effected by fax or e-mail, the court shall record the sending and receiving fax numbers or e-mail addresses, sending time, as well as names of litigation documents served, and print the fax sending confirmation sheet or the web page for successful e-mail sending, saving it for future reference. According to Article 12 of the above Opinion, if the service is effected by SMS, wechat or other means, the court shall record the sending and receiving mobile phone numbers, the sending time, as well as names of the litigation documents served, and take photos of the contents delivered by SMS, wechat or other means, saving them for future reference."

(b) E-mail (regular).

(c) E-mail (secured / encrypted).

(d) Electronic transmission via online platform administered by the government.

31.1. If no, what are your State's reasons for refusing to execute the requests for service to be performed by using information technology?

N/A

32. What challenges, if any, has your State faced regarding the use of information technology under the Service Convention?

(b) Internal law limitations.

"This refers to the different domestic laws of different countries on whether hard copy must be served. As a result, information technology cannot be widely promoted under the Convention."

33. In your State's opinion, what further work could the PB do on the use of information technology under the Service Convention?

(b) Development of a Guide to Good Practice.

"It is recommended to collect widely the positions and legal provisions of various Contracting Parties regarding information technology, so that the requesting State can determine whether to submit the request electronically."

34. In addition to the Service Convention, is your State a Party to any bilateral, regional, or multilateral agreements that provide rules for the service of documents abroad?

(a) Yes.

For Parties that answered "yes" to Q34 above:

34.1. Do any of these agreements provide for the use of electronic means (e.g., e-mail) to transmit or execute requests for service?

(b) No.

V. 2023 Meeting of the Special Commission & Monitoring

35. What are the three key topics or practical issues related to the Service Convention that your State would like discussed at the 2023 meeting of the Special Commission?

1. *"Forward and receive requests by electronic means"*
2. *"Information technology"*
3. *"Better communication between Central Authorities"*

35.1. Please indicate whether the information provided in Q35 above may be published.

(a) Yes.

36. Does your State have any suggestions that could assist in the promotion, implementation, or operation of the Service Convention?

(a) Yes.

"Explore the possibility of forwarding and receiving requests electronically, subject to the domestic laws of each contracting State."

36.1. If the answer to Q36 above is "yes", please indicate whether the information provided may be published.

(a) Yes.

37. The PB is in the process of revising the Service Handbook. Are there any specific topics, suggestions for presentation or formatting, or any other proposals you recommend for inclusion?

(a) Yes.

"Consider adding information on electronic means of forwarding and receiving requests."

37.1. If the answer to Q37 above is "yes", please indicate whether the information provided may be published.

(a) Yes.

DATA & STATISTICS FOR CONTRACTING PARTIES**I. Statistics under Main Channel of Transmission (Art. 5)****A. Incoming Requests**

1. How many incoming requests for service did your State receive under the main channel of transmission (Art. 5) in each of the following years?

2017	1612
2018	1782
2019	1987
2020	1335
2021	2049
2022	1571
Unknown – <i>please explain.</i>	
-	

2. Which three States made the most requests?

Requesting State	Number
USA	3355
France	1357
Republic of Korea	1119

3. If possible, please provide a breakdown of how long (in months) it took to execute incoming requests.

	< 1	1-3	3-6	6-12	> 12
2017				x	
2018				x	
2019				x	
2020			x		
2021			x		
2022 (if data available)			x		
Unknown – <i>please explain.</i>					
-					

4. How many of these incoming requests for service did your State receive via **electronic transmission** in each of the following years?

2017	"unknown"
2018	"unknown"
2019	36
2020	270
2021	439
2022	821
Unknown – please explain. "Our online system starts since 2019."	

5. How many incoming requests for service did your State **execute for service** via electronic means in each of the following years?

This is regardless of whether a paper copy of the documents was subsequently provided.

2017	-
2018	-
2019	-
2020	-
2021	-
2022	-
Unknown – please explain. "Not available"	

6. Are execution times for electronically transmitted requests for service generally faster than those transmitted by post?

(b) Yes, moderately faster.

B. Outgoing Requests

7. How many outgoing requests for service did your State make under the main channel of transmission (Art. 5) in each of the following years?

2017	955
2018	486
2019	1005
2020	955
2021	1117
2022	814
Unknown – <i>please explain.</i>	
-	

8. Which three States were the subject of the most requests?

Requesting State	Number
Viet Nam	2315
USA	702
Republic of Korea	442

9. How many outgoing requests for service did your State make via electronic transmission under the main channel of transmission (Art. 5) in each of the following years?

2017	-
2018	-
2019	-
2020	-
2021	-
2022	-
Unknown – <i>please explain.</i>	

II. Statistics under Alternative Channels of Transmission

10. Does your State have statistics on incoming requests under alternative channels of transmission?

- (a) Yes, Article 8.
- (b) Yes, Article 9.
- (c) Yes, Article 10(a).
- (d) Yes, Article 10(b).
- (e) Yes, Article 10(c).
- (x) No, none of the above.

10.1. If yes, how many (total) incoming requests for service did your State receive under the alternative channels of transmission in each of the following years?

N/A

III. Refusals (Art. 13)

11. If applicable, please indicate how many incoming requests for service your State refused to comply with between 2017 and 2022?

"None"

12. If applicable, please indicate how many outgoing requests for service transmitted by your State were refused between 2017 and 2022?

"None"

CASE LAW, ADDITIONAL INFORMATION & SUPPORTING DOCUMENTS

I. Case Law

Please list all your State's judicial decisions that have considered the Service Convention since 2014 and provide a link to, or upload the decisions (in PDF format only).

2 files uploaded.

II. Additional Documents

Please provide links to and / or any additional information or documentation to support your response (in PDF format only). This may include:

- ⇒ resources for the general public or guidelines for Central or other Authorities' staff;
- ⇒ implementation legislations, recent legislative developments; or
- ⇒ books, articles, or other published work.

["http://www.moj.gov.cn/pub/sfbgw/jgsz/jgszzsdw/zsdwsfxzjlzx/sfxzjlzxxwdt/202206/t20220624_458335.html"](http://www.moj.gov.cn/pub/sfbgw/jgsz/jgszzsdw/zsdwsfxzjlzx/sfxzjlzxxwdt/202206/t20220624_458335.html)

PUBLICATION OF RESPONSES

Please confirm whether your responses to this questionnaire can be published on the HCCH website.

(a) Yes.