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最高人民法院关于人民法院服务保障进一步扩大对外开放的指导意见

Guiding Opinions of the Supreme People's Court on the People's Courts Serving and Guaranteeing the Further Opening Up to the Outside World

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为深入贯彻落实以习近平同志为核心的党中央关于进一步扩大对外开放,推动形成全面开放新格局的重大战略部署,充分发挥人民法院审判职能,为建设更高水平开放型经济新体制提供有力司法服务和保障,结合人民法院工作实际,制定如下指导意见。

With a view to implementing in an in-depth manner the major strategies and arrangements made by the CPC Central Committee with Xi Jinping as the core for further opening up to the outside world and facilitating the formation of a new pattern of comprehensive opening-up, brining into full play the judicial function of the people's courts and providing powerful judicial services and guarantee for building the new open economic system at further high level, the following opinions are hereby formulated in light of the actual work of the people's courts.

一、提高政治站位,找准司法服务保障扩大对外开放的结合点和着力点

1.增强司法服务保障扩大对外开放的责任感、使命感。进一步扩大对外开放,是全面深化改革,推进经济高质量发展,建设更高水平开放型经济新体制的客观要求;是深化市场化改革,营造法治化国际化便利化营商环境的迫切需要;是应对百年未有之大变局,促进全球治理体系变革,推动合作共赢开放体系的必然趋势;是支持经济全球化,构建人类命运共同体的实际行动。实施更大范围、更宽领域、更深层次的全面开放,标志着我国已进入由商品和要素流动型开放向规则等制度型开放转变的新阶段,对市场法治环境和司法服务保障提出更高需求。人民法院要以习近平新时代中国特色社会主义思想为指导,全面贯彻党的十九大和十九届二中、三中、四中全会精神,充分认识进一步扩大对外开放新形势对人民法院工作提出的新要求、新挑战,准确把握司法服务保障进一步扩大对外开放的目标任务,加快推进涉外审判体系和审判能力现代化建设,服务国家大局、优化营商环境、深化国际合作,稳住外贸外资基本盘,以更高水平的司法服务保障更高水平对外开放。

2.找准司法服务保障的结合点和着力点。人民法院要充分发挥审判职能,依法公正高效审理涉外案件,保护中外当事人合法权益,促进内外资企业公平竞争。要以服务保障国家重大战略举措为重点,推动共建“一带一路”、自由贸易试验区建设、海南自由贸易港建设、粤港澳大湾区建设、京津冀协同发展、长江三角洲区域一体化发展、长江经济带发展、深圳中国特色社会主义先行示范区建设、中国-上海合作组织地方经贸合作示范区建设、海洋强国建设。要创新审判机制,研究具有前瞻性和创新性的问题,完善法律适用规则,推动营造稳定公平透明可预期的法治化国际化便利化营商环境。

1. Raising the political stance and accurately identifying the junction and point of strength of judicial service and guarantee for further opening up to outside world

(1) Intensifying the sense of responsibility and mission of judicial services and guarantee for further opening up. Further opinion up is the objective requirement of comprehensively deepening reform, pushing forward the high-quality economic development and building the new open economic system at further high level, the urgent demand of deepening market-oriented reform and creating the internationalized and facilitating business environment based on rule of law, the inevitable trend of dealing with the great changes unseen in a hundred years, driving global governance system reform and promoting the cooperative, win-win and open system and actual action of supporting economic globalization and building the community with a shared future for mankind. The implementation of the comprehensive opening up at further larger large scope, further extensive sectors and further deepening level is a mark that China has entered in the new stage of transformation from opening based on flow of commodities and elements to the opening based on rules and other system and has further high demand for the rule-of-law environment at market and judicial service and guarantee. The people's courts shall uphold the Xi Jinping Thought on Socialism with Chinese Characteristics in a New Era as guidance, enforcing the requirements laid down at the 19th National Congress of the CPC and the Second, the Third and the Fourth Plenary Sessions of the 19th Central Committee of the CPC, fully recognize the new requirements and new challenges presented by the new situation of further opening to the work of the people's courts, accurately grasp the objectives and tasks of judicial service and guarantee for further opening up, accelerate the **moderation** building of foreign-related judicial system and judicial capacity, serve the overall development of the country, optimize business environment, deepen international cooperation, stabilize the base of foreign trade and foreign investment and provide the judicial service at further high level to guarantee the opening up at further high level.

(2) Accurately identifying the junction and point of strength of judicial service and guarantee. People's courts shall fully exert the judicial function, try foreign-related cases in fairly and efficiently in accordance with the law, protect the legitimate rights and interests of foreign and Chinese parties concerned and promote the fair competition of Chinese-funded and foreign-funded enterprises. They shall focus on serving and guaranteeing the major strategies and measures of the State and push forward the joint construction of the "Belt & Road", construction of pilot free trade zones, construction of Hainan free trade port, the construction of Guangdong-Hong Kong-Macao Greater Bay Area, the coordinated development of the Beijing, Tianjin and Hebei, the integrated development of the Yangtze River Delta region, the development of Yangtze River Economic Zone, the construction of Shenzhen into an pioneering and demonstrative zone of socialism with the Chinese characteristics, the construction of the local economic and trade cooperation demonstration zone of China-Shanghai Cooperation Organization and building of China into a maritime power. It is imperative to innovate adjudication system, study the perspective and innovative issues, improve the rules of application of laws and propel the creation of the rule-of-law, internationalized and facilitating business environment that is stable, fair, transparent and predictable.

二、坚持涉外诉讼基本原则,依法保护中外当事人合法权益

3.坚持依法平等保护。坚持把平等保护中外当事人合法权益贯穿于司法工作全过程各环节,确保中外当事人诉讼地位和诉讼权利平等、法律适用和法律保护平等,努力为中外当事人提供普惠均等、便捷高效、智能精准的司法服务,营造各类主体依法平等使用资源要素、公开公平公正参与竞争、同等受到法律保护的市场环境。

4.尊重当事人意思自治。充分尊重并保障中外当事人依法选择管辖法院的权利、依法选择适用法律的权利以及选择调解、仲裁或者诉讼等方式解决纠纷的权利,提高国际商事纠纷解决的自治性。

5.依法行使司法管辖权。依据我国法律,正确行使司法管辖权,有效维护我国国家司法主权,为市场主体提供及时、有效的司法救济。在坚定维护我国司法管辖权的同时,妥善解决涉外司法管辖的国际冲突和国际间平行诉讼问题。

2. Complying with the basic principles of foreign-related litigation and protecting the legitimate rights and interests of foreign and Chinese parties concerned in accordance with the law

(3) Insisting on equal protection in accordance with the law. People's courts shall insist on the equal protection of the legitimate rights and interests of the Chinese and foreign parties concerned in the whole process of judicial work, ensure the equality of Chinese and foreign parties concerned in litigation status, litigation rights, law application and legal protection, try to provide inclusive, equal, convenient, efficient, intelligent and accurate judicial services to Chinese and foreign parties concerned and create the market environment for various types of subjects to have equal access to resources and elements in accordance with the law, participate in competition in open, fair and impartial manner and be protected equally under the law.

(4) Respecting the principle of party autonomy. People's courts shall fully respect and safeguard the rights of Chinese and foreign parties concerned to choose the court with jurisdiction and applicable laws in accordance with the law and rights to choose mediation, arbitration, litigation or other method for dispute resolution and improve the autonomy in resolving international commercial disputes.

(5) Exercising judicial jurisdiction in accordance with the law. People's courts shall properly exercise judicial jurisdiction in accordance with the Chinese laws, effectively uphold national judicial sovereignty of China and provide timely and effective judicial relief to Chinese and foreign subjects. While firmly upholding the judicial jurisdiction of China, they shall properly address the international conflict of foreign-related judicial jurisdiction and international parallel proceeding issues.

三、深入推进涉外商事海事审判体系现代化建设,服务贸易投资自由化便利化

6.推动完善涉外法律适用规则体系建设。在涉外商事海事审判中准确适用国际条约、国际惯例和准据法,准确查明和适用外国法律,发挥法院裁判规则的指引作用,引导市场主体在涉外交易中加强与国际规则的对接。切实贯彻实施民法典,及时完善相关司法解释,发布指导性案例,统一法律适用标准。准确适用外商投资法律法规及其司法解释,全面实施外商投资准入前国民待遇加负面清单管理制度,严格限定认定外商投资合同无效的标准,依法维护中外投资者合法权益。积极参与国际条约和规则的制定,推动仲裁法、海上交通安全法、海商法、海事诉讼特别程序法等修法进程,促进国际货物多式联运、跨国铁路运输单证等国际运输规则的完善。支持我国参与融资、贸易、能源、知识产权、数字信息、农业、环保、水电等领域国际规则标准的制定,推动形成和完善全球性商事法律规则。多语言发布中国法院裁判的指导性案例和典型案例,为各国法院和仲裁机构正确理解和适用中国法提供基础,增强国际商事主体对中国法律的了解和信任,扩大中国法的影响力。进一步提升域外法查明平台功能,规范完善域外法查明和适用规则,推动域外法查明法律资源及案例数据库建设,提高人民法院在涉外案件中查明和适用域外法的能力。

7.发挥涉外商事海事审判服务保障跨境贸易的专业优势。坚定支持多边贸易体制和经济全球化,依法妥善审理国际货物买卖、跨境投资并购、融资担保、电子商务等纠纷,积极推动跨境服务贸易和数字贸易等新兴贸易形式的发展,有力保障产业链供应链稳定。及时妥善审理相关的港口建设、船舶建造、航运金融、海上货物运输、邮轮运输、海洋生态保护等海事案件。探索中欧班列、陆海新通道、国际公路运输案件的专业化审判机制,为推进中欧班列、西部陆海新通道等国际物流和贸易大通道建设提供司法服务保障。依法妥善审理涉新冠肺炎疫情涉外商事海事案件,提高涉外商事海事案件审判效率,精准服务保障稳外资、稳外贸基本盘和航运市场健康发展。

8.推动涉外审判与互联网司法的深度融合。适应开放型经济新体制的需求,充分运用智慧法院建设成果,加强大数据、云计算、区块链、人工智能、5G等前沿技术在涉外审判领域应用。建设域外当事人诉讼服务平台,为域外当事人提供高效、便捷、低成本的司法服务。完善涉外案件在线立案、在线调解、在线庭审等机制,在当事人同意的基础上运用信息化手段,最大限度为中外当事人参与诉讼提供便利。探索完善涉外案件在线诉讼规则,提升涉外审判信息化水平。鼓励和支持互联网法院以及其他信息化建设基础较好的法院创新司法服务方式和载体,在涉外案件审理、平台建设、诉讼规则、技术运用、网络空间治理等方面先行先试、积累经验、创新规则。

9.完善国际商事纠纷多元化解决机制。推进最高人民法院国际商事法庭建设,优化办案程序和工作机制,完善国际商事法庭“一站式”纠纷解决平台信息化建设。鼓励并尊重当事人将国际商事纠纷协议选

择国际商事法庭管辖,最大限度发挥协议管辖的积极作用。扩大最高人民法院国际商事专家委员会专家委员的遴选范围,充分发挥国际商事专家委员会职能作用。在“一站式”国际商事纠纷多元化解决机制中适当引入域外知名商事仲裁机构、商事调解机构,推进“一带一路”国际商事法律服务示范区建设,为中外当事人提供公正高效便捷的司法服务。支持在上海自由贸易试验区临港新片区、海南自由贸易港等加强国际商事审判力量建设,充分发挥专业审判职能,为自贸区(港)创新发展提供高质量的司法保障。支持境外仲裁机构经登记备案后在特定区域内设立的业务机构,根据仲裁协议受理国际仲裁案件。支持香港特别行政区建设亚太区国际法律及争议解决服务中心,联动打造粤港澳大湾区国际法律服务中心和国际商事争议解决中心,支持港澳律师以调解员的身份参与纠纷解决。支持在粤港澳大湾区内地九市开展香港法律执业者和澳门执业律师从事律师职业试点工作。支持边境地区、重要节点城市、核心区域依照共商共建共享原则,探索区域性的双边、多边争端解决合作机制,建立联合纠纷解决平台。

3. Further improving the modernization of the foreign-related commercial and maritime trial system and serving the liberalization and facilitation of trade and investment

(6) Pushing forward the construction of the system of the rules for application of foreign-related laws. In trial of foreign-related commercial and maritime cases, people's courts shall correctly apply international treaties, international practices and applicable laws, accurately ascertain and apply foreign laws, bring into play the guiding role of the court adjudication rules and guide market players to intensify connection with international rules of foreign-related transactions. They shall effectively implement the [Civil Code](#), promptly improve relevant judicial interpretations, release guiding cases and unify the standards for application of laws. They shall correctly apply foreign investment laws and regulations as well as the judicial interpretations thereof, roll out the implementation of the pre-entry national treatment plus negative list management system for foreign investment, strictly define the standards for determining foreign investment contracts as invalid and safeguard the legitimate rights and interests of Chinese and foreign investors in accordance with the law. They shall actively participate in the formulation of international treaties and rules, push forward the progress of revising the arbitration law, the maritime traffic safety law, the maritime law, the special procedures for maritime litigation and other relevant laws and improve the international multimodal transport of goods, international railway transport documents and other international transport rules. They shall support the participation of China in the formulation of the international rules and standards in the sectors such as financing, trade, energy, intellectual property, digital information, agriculture, environmental protection and hydropower and facilitate the formation and improvement of global commercial laws and rules. The guiding cases and typical cases judged by the Chinese courts shall be released in multiple languages to provide basis for the courts and arbitration institutions in other countries to correctly understand and apply Chinese laws, increase the understanding and trust of international commercial subjects in Chinese laws and expand the influence of Chinese laws. It is imperative to further improve the function of the platform for ascertaining extraterritorial laws, standardize and improve the rules for ascertaining and applying extraterritorial laws, push forward the development of the laws resources and case database for ascertaining extraterritorial laws and improve the capacity of the people's courts for ascertaining and applying extraterritorial laws in foreign-related cases.

(7) Exerting the special advantages of foreign-related commercial and maritime adjudication in serving and guaranteeing cross-border trade. It is imperative to firmly support the multilateral trade system and economic globalization, conduct trial of the disputes involving international sales of goods, cross-border investment, merger and acquisition, financial guarantee and electronic commerce, etc., actively push forward the development of cross-border trade in services, digital trade and other emerging forms of trade and powerfully guarantee the stability of industrial chain and supply chain. They shall promptly and properly try relevant maritime cases involving port construction, ship building, shipping finance, carriage of goods by sea, liner shipping and marine ecosystem conservation, etc.. Exploration shall be

made in the mechanism for specialized trial of cases involving China–Europe freight trains, new land and sea routes and international road transport and provide judicial service guarantee for pushing forward the construction of China–Europe freight trains, new land and sea corridor in the west and other international logistics and trade channels. It is imperative to properly try the foreign–related commercial and maritime cases involving COVID–19 pandemic in accordance with the law, improve the efficiency of the trial of foreign–related commercial and maritime cases and precisely serve and guarantee the stabilization of the base of foreign investment and foreign trade and the healthy development of the shipping market.

(8) Pushing forward the deep integration of foreign–related case adjudication and the Internet–based justice. It is imperative to meet the demand of the new system of open economy, make full use of the result of the building of intelligent courts and strengthen the application of big data, cloud computation, block chain, artificial intelligence, 5G and other frontier technology in the sector of foreign–related adjudication. The litigation service platform for extraterritorial parties concerned shall be built to provide efficient, convenient and low–cost judicial services to extraterritorial parties concerned. The mechanism for online case filing, online mediation and online court hearing, etc. of foreign–related cases shall be improved and information technology means shall be used on the basis of consent by the parties concerned to provide convenience as much as possible for Chinese and foreign parties concerned to participate in litigation. Exploration shall be made in improving the rules for online litigation of foreign–related cases and the level of information technology application in trial of foreign–related cases. The internet courts and other courts with sound basis of information technology development shall be encouraged and supported to innovate judicial service modes and carriers and conduct pilot program, accumulate experiences and innovate rules in trial, platform building, litigation rules, technology application, cyberspace governance and other aspects involving foreign–related cases.

(9) Improving the mechanism for diversified resolution of international commercial disputes. It is imperative to push forward the building of the international commercial court of the Supreme People’s Court, optimize case handling procedure and work mechanism and improve the application of information technology in the “one–stop” dispute resolution platform of the international commercial court. Parties concerned shall be encouraged and respected in reaching agreement on choosing the international commercial court for jurisdiction over international commercial disputes and bring into play the role of agreement–based jurisdiction to the maximum extent. The scope of the candidates for expert members of the international commercial expert committee of the Supreme People’s Court shall be expanded and the function and role of the international commercial expert committee shall be brought into full play. Extraterritorial well–known commercial arbitration institutions and commercial mediation institutions shall be appropriately introduced in mechanism for “one–stop” diversified resolution of international commercial disputes and the construction of “Belt & Road” international commercial legal service demonstration zone shall be pushed forward to provide Chinese and foreign parties concerned with fair, efficient and convenient legal services. China (Shanghai) Pilot Free Trade Zone Lin–Gang Special Area and Hainan Free Trade Port, etc. shall be supported to strengthen the building of the international commercial adjudication capacity, bring into full play the function of special adjudication and provide high–quality judicial guarantee for the innovative development of free trade zones (ports). The business agencies established in specific areas by overseas arbitration institutions upon registration and record–filing shall be supported to accept international arbitration cases according to arbitration agreements. Hong Kong Special Administrative Region shall be supported to build the Asia–Pacific international legal dispute resolution service center, the international legal service center and the international commercial dispute resolution center in Guangdong–Hong Kong–Macao Greater Bay Area shall be built and Hong Kong and Macao lawyers shall be supported to participate in dispute resolution in the capacity of mediators. Support shall be given to the pilot program for Hong Kong legal practitioners

and Macao practicing lawyers to engage in lawyer profession in the nine Mainland cities within the Guangdong–Hong Kong–Macao Greater Bay Area. The border areas, important node cities and core areas shall be supported to explore the regional cooperative mechanism of bilateral and multilateral dispute resolution according to the principle of joint consultation, joint construction and sharing and set up the joint dispute resolution mechanism.

四、加大对外开放各领域的司法保护力度,营造法治化国际化便利化营商环境

10.支持政府纵深推进“放管服”改革。依法审理涉外贸、投融资、财政税务、金融创新、知识产权保护、出入境管理、海关监管等方面的行政案件,坚持合法性审查原则,依法对行政许可、行政处罚、行政强制以及其他行政行为进行司法审查,依法保护行政相对人的合法权益,监督和支持行政机关依法行政,强化实质性化解行政争议,推动法治政府和政务诚信建设。正确处理政府与市场的关系,发挥市场在资源配置中的决定性作用,同时更好发挥政府职能,推动形成权责明确、公平公正、透明高效、法治保障的市场监管格局,为国家宏观经济政策调整提供司法保障。

11.加强对知识产权的保护力度。严格落实知识产权侵权惩罚性赔偿制度,切实发挥惩罚性赔偿的威慑效应。加强商业秘密保护,依法规制垄断和不正当竞争行为,维护统一开放、公平有序的市场环境。健全技术创新司法保护体系,加大对关键领域和核心技术的知识产权保护力度。完善涉外知识产权诉讼程序,加强对知识产权国际平行诉讼的研究和应对,打造当事人信赖的国际知识产权保护和纠纷解决优选地。严格执行外商投资法及相关行政法规,妥善审理涉外技术转让案件,保障中外企业依照市场化法治化原则开展国际区际技术交流与合作。坚决依法惩治侵犯知识产权犯罪。

12.妥善处理跨境破产、金融、执行案件。坚持同类债权平等保护原则,积极参与和推动跨境破产国际条约的制定,完善跨境破产协调机制,依法保护债权人和投资人权益。提升涉及跨境投融资、证券、保险等金融纠纷的审判专业化水平。依法妥善审理跨境金融纠纷,准确认定规避国家外汇管制政策的跨境投资行为的法律效力,进一步规范和统一跨境金融法律适用。加强与金融管理机构、行业协会、调解组织协作配合,深入推进银行业纠纷、证券期货纠纷、保险纠纷多元化解机制建设,保护金融消费者合法权益,防范化解金融风险,促进金融业持续健康发展。加大涉外案件执行力度,深化跨境执行国际合作,依法平等保障胜诉中外当事人及时实现权益。积极推动社会信用体系建设,营造良好信用环境和营商环境。

4. Intensifying the judicial protection in various opening up areas and creating the internationalized and facilitating business environment based on rule of law

(10) Supporting the government in further pushing forward the reform of "delegating authority and streamlining process, combining administration with deregulation, and optimizing services". People's courts shall try the administrative cases involving foreign trade, investment and financing, financial and tax affairs, financial innovation, intellectual property rights, entry and exit administration and customs regulation in accordance with the law, insist on the principle of legality review, conduct judicial review of administrative permit, administrative punishment, administrative enforcement and other administrative acts in accordance with the law, protect the legitimate rights and interests of the administrative counterparts in accordance with the law, supervise and support the administration by administrative organs in accordance with the law, intensify substantial resolution of administrative disputes and push forward the building of rule-of-law government and integrity in government services. It is imperative to correctly settle the relation between government and market, bring into play the decisive role of market in resource allocation, bring government function into better play, propel the formation of the fair, impartial, transparent and efficient market regulatory pattern with definite rights and responsibilities as well as rule-of-law guarantee and provide judicial guarantee for the adjustment to the macro economic policies of the State.

(11) Strengthening the protection of intellectual property rights. The punitive compensation system for intellectual property infringement shall be strictly implemented to practically exert the deterrent effect of punitive compensation. It is imperative to strengthen trade secret protection, regulate the acts of monopoly and unfair competition in accordance with the law and safeguard the unified, open, fair and orderly market environment. The system for judicial protection of technical innovation shall be refined

and the protection of intellectual property rights in key sectors and key technology shall be intensified. It is imperative to improve the foreign-related intellectual property litigation procedures, strengthen the study and dealing with the international parallel litigations involving intellectual property rights and develop the preferred places trusted by the parties concerned for protecting and resolving disputes involving international intellectual property protection, strictly implement the foreign investment laws and relevant administrative regulations, properly try the foreign-related cases involving technology transfer and ensure that Chinese and foreign enterprises carry out international and regional technology exchange and cooperation according to market oriented and rule-of-law principle. Crimes of intellectual property infringement shall be punished in accordance with the law.

(12) Properly handling the cross-border bankruptcy, finance and enforcement cases. It is imperative to insist on the principle of equal protection of same type of creditor's rights, actively participate in and push forward the formulation of the international treaties on cross-border bankruptcy, improve the cross-border bankruptcy coordination mechanism and protect the rights and interests of creditors and investors in accordance with the law. The professional level of adjudication of the cross-border financial disputes involving investment and financing, securities and insurance, etc. shall be improved. It is imperative to properly try the cross-border financial disputes in accordance with the law, accurately identify the legal effect of the cross-border investment activities that evade the foreign exchange control policies of the State and further standardize and unify the cross-border financial law application. It is imperative to strengthen the collaboration and cooperation with financial management organs, industrial associations and mediation organizations, further push forward the mechanism for diversified resolution of banking disputes, securities and futures disputes and insurance disputes, protect the legitimate rights and interests of financial consumers, prevent and resolve financial risks and promote the continuous and healthy development of financial industry. Enforcement of foreign-related cases shall be intensified, international cooperation in cross-border enforcement shall be deepened and the Chinese and foreign parties that win cases shall be equally guaranteed in realizing rights and interests in accordance with the law. Initiatives shall be taken in pushing forward the social credit system building and creating sound credit environment and business environment.

五、防范化解各类重大风险,坚决维护稳定的发展环境

13.健全重大案件风险防控机制。牢固树立总体国家安全观,统筹国际国内两个大局,坚持底线思维和风险意识,清醒认识我国对外开放面临的国内外形势和风险挑战,健全重大案件风险识别和防控机制,妥善审理贸易、投资、金融、数据流动、生态和公共卫生等领域重大案件,防范化解各类重大风险。严格遵守国际法基本原则和国际关系准则,坚决捍卫我国司法主权和国家安全。

14.保障国家安全和经济社会秩序。深入参与反渗透反间谍反分裂反恐怖反邪教斗争,严厉打击各种渗透颠覆破坏、间谍、暴力恐怖、民族分裂、宗教极端等危害国家安全的犯罪。进一步加强刑事司法合作,合力打击跨境犯罪。依法惩处投资、贸易、金融、电信网络、知识产权等领域危害国家经济安全的犯罪,积极参与海外安全保护体系建设,有力维护我国发展利益和海外机构、人员安全。切实依法严惩涉及食品药品安全、污染环境、贩卖毒品、贩卖人口等危害人民群众安全、扰乱社会管理和社会主义市场经济秩序的犯罪,为进一步扩大对外开放提供安全稳定的社会环境和良好的经济社会秩序。积极参与网络安全制度建设,共同打击跨国跨地区侵犯公民个人信息等网络犯罪,强化个人信息法律保护,积极构建网络空间命运共同体。

5. Preventing and resolving various types of major risks and resolutely safeguarding the stable development environment

(13) Improving major case risk prevention and control mechanism. It is imperative to firmly set up the overall national security sense, coordinate the international and domestic situations, insist on bottom-line thinking and risk awareness, clearly recognize the international and domestic situation as well as risks and challenges for opening up of China, refine the mechanism for identifying and controlling

major case risks, properly try the major cases in the fields such as trade, investment, finance, data flow, ecology, public health and other sectors. People's courts shall strictly comply with the basic principles of the international law and the standards of international relationship and resolutely defend the judicial sovereignty and national security of China.

(14) Safeguarding the national security and economic and social order. It is imperative to further participate in the fight against penetration, espionage, separation, terrorism and heresy and crack down on various crimes endangering national security such as penetration, subversion and destruction, espionage, violent terrorism, ethnic separation and religious extremism, etc.. Cooperation in criminal justice shall be further strengthened to join efforts to fight against cross-border crimes. It is imperative to mete out punishment in accordance with the law. It is imperative to punish in accordance with the law the crimes endangering the economic security of the State in investment, trade, finance, telecommunications network, intellectual property and other sectors, actively participate in the building of overseas security protection system and powerfully protect the development benefits of China and safety of overseas institutions and persons. It is imperative to practically and severely punish in accordance with the law the crimes involving food and drug safety, environmental pollution, drug trafficking and human trafficking as well as other crimes endangering the safety of the people and disturbing social management and socialist market economic order and provide safe and stable social environment and sound economic and social order for further opening up to the outside world. Initiatives shall be taken in participating in the network security system building, jointly cracking down on the infringement of the personal information of citizens and other cyber crimes, intensifying the legal protection of personal information and actively building the community of shared future in cyberspace.

六、深化国际司法协助和司法交流合作,提升中国司法的国际影响力

15. 加强国际司法协助。积极参与缔结双边或者多边司法协助条约,严格依照我国与其他国家缔结或者共同参加的国际条约,或者依据互惠原则,采取积极举措,及时办理司法文书送达、调查取证、承认与执行外国民商事法院判决和外国仲裁裁决等国际司法协助请求。完善承认与执行外国法院民商事判决的程序规则和审查标准。以更加开放、包容的司法态度认定互惠关系,推动各国之间相互承认和执行民商事判决。加强跨境司法合作,参与健全完善双边司法协助条约网络,构建有利于开放型经济新体制的司法环境。

16. 深化国际司法交流合作。进一步拓宽国际司法交流渠道,加强与世界贸易组织、联合国国际贸易法委员会、世界银行集团、世界知识产权组织、国际法院等国际组织合作的广度和深度。积极参与全球治理体系改革和国际法规则制定,促进国际贸易法律规则的协调统一,维护多边贸易体制和国际法治秩序。通过与各国家或地区最高法院商签备忘录等形式,在信息化建设、司法改革、案例研究、法律查明、民商事判决相互承认与执行等重点领域加强交流互鉴,推动法治合作。加强对中国司法制度、司法文化、司法改革、智慧法院建设等方面的对外宣传,讲好中国法治故事,传播中国法治声音。

17. 大力培养高素质涉外审判人才队伍。适应经贸、金融、科技、知识产权、环保、海洋等领域国际司法交流合作和涉外审判的需要,健全涉外审判人才引进、选拔、使用、管理机制,加强以实践为导向的人才培养机制,开展人民法院与高等院校涉外法律人才的互聘交流和共同培养工作,培养和储备涉外法治人才。与有关国际组织、其他国家国际商事法庭建立常态交流机制,积极支持涉外审判法官参加国际交流,参与相关领域国际规则制定,培养具有国际视野、通晓国际法律规则、熟悉外国法律的涉外法治专业人才,进一步提高涉外审判水平。

6. Deepening the international judicial assistance and judicial exchange and cooperation and increasing international influence of the justice of China

(15) Strengthening international judicial assistance. Initiatives shall be taken in actively participating in entering into bilateral or multilateral judicial assistance treaties, adopt active measures strictly in accordance with the international treaties that China has entered into with other countries or acceded to or based on the principle of reciprocity and handle the service of judicial documents, investigation and collection of evidence, recognition and enforcement of the foreign court judgments on civil and

commercial affairs and foreign arbitration awards as well as other international judicial assistance requests. The procedural rules and review standards for recognition and enforcement of foreign court judgments on civil and commercial affairs shall be improved. Further opening and inclusive judicial attitude shall be taken to recognize reciprocal relationship, propel the mutual recognition and enforcement of judgments on civil and commercial affairs among countries. It is imperative to strengthen judicial cooperation, participate in improvement of the network for bilateral judicial assistance treaties and build the judicial environment conducive to the new open economic system.

(16) Deepening international judicial exchange and cooperation. It is imperative to further expand the channels for international judicial exchange and further widen and deepen the cooperation with the World Trade Organization, the United Nations Commission on International Trade Law, the World Bank Group, the World Intellectual Property Organization, the International Court and other international organizations. Initiatives shall be taken in participating in the global governance system reform and the formulation of the rules of the international law, promoting the coordination and unification of the rules of the international trade law and safeguarding the multilateral trade system and the order of international rule of law. The exchange and mutual learning with the supreme courts of different countries or regions shall be strengthened in information technology application, judicial reform, case study, ascertainment of law, mutual recognition and enforcement of civil and commercial judgments and other key fields through execution of memorandum and other forms and rule of law cooperation shall be pushed forward. External publicity of the judicial system, judicial culture, judicial reform and intelligent court building in China, etc. shall be strengthened to tell a good story of rule of law in China and spread the voice of rule of law in China.

(17) Making great efforts to cultivate the high-quality team of foreign-related adjudication talents. It is imperative to meet the demand of the international judicial exchange and cooperation as well as foreign-related adjudication in economy and trade, finance, science and technology, environment pollution and maritime and other fields, refine the system for introduction, selection, employment and management of foreign-related adjudication talents, strengthen the practice-oriented talent cultivation mechanism, carry out cooperation between the people's courts and schools of higher learning in mutual employment, exchange and joint training of foreign-related legal talents and reserve and cultivate foreign-related legal personnel. It is imperative to set up the mechanism for normal exchange with relevant international organizations and the international commercial courts of other countries, actively support judges engaging in trial of foreign-related cases to participate in international exchange, get involved in the formulation of the international rules in relevant fields, cultivate the foreign-related rule of law professionals with international view and familiar with the rules of international law and foreign laws and further improve the level of adjudication of foreign-related cases.