

Decision of the Supreme People's Court to Amend the Provisions of the Supreme People's Court on Several Issues Concerning the Establishment of International Commercial Courts(2023)

Document Number:	Interpretation No. 14 [2023] of the Supreme People's Court
Area of Law:	General Provisions on Legislative Affairs
Level of Authority:	Judicial Interpretation
Date Issued:	12-18-2023
Effective Date:	01-01-2024
Issuing Authority:	Supreme People's Court
Status:	Effective

Announcement of the Supreme People's Court of the
People's Republic of China

中华人民共和国最高人民法院公告

The Decision of the Supreme People's Court to Amend the Provisions of the Supreme People's Court on Several Issues Concerning the Establishment of International Commercial Courts, as adopted at the 1,908th Session of the Judicial Committee of the Supreme People's Court on December 5, 2023, is hereby issued, and shall come into force on January 1, 2024.

《最高人民法院关于修改〈最高人民法院关于设立国际商事法庭若干问题的规定〉的决定》已于2023年12月5日由最高人民法院审判委员会第1908次会议通过，现予公布，自2024年1月1日起施行。

Supreme People's Court

最高人民法院

December 18, 2023

2023年12月18日

Decision of the Supreme People's Court to Amend the Provisions of the Supreme People's Court on Several Issues Concerning the Establishment of International Commercial Courts

最高人民法院关于修改《最高人民法院关于设立国际商事法庭若干问题的规定》的决定

(Interpretation No. 14 [2023] of the Supreme People's Court, as adopted at the 1,908th Session of the Judicial Committee of the Supreme People's Court on December 5, 2023 and coming into force on January 1, 2024)

(2023年12月5日最高人民法院审判委员会第1908次会议通过，自2024年1月1日起施行 法释〔2023〕14号)

In accordance with the relevant provisions of the Decision of the Standing Committee of the National People's Congress to Amend the Civil Procedure Law of the People's Republic of China as deliberated and adopted at the 5th Session of the Standing Committee of the Fourteenth National People's Congress of the People's Republic of China, the [Provisions of the Supreme People's Court on Several Issues Concerning the Establishment of International Commercial Courts](#) are hereby amended as follows:

根据第十四届全国人民代表大会常务委员会第五次会议审议通过的《全国人民代表大会常务委员会〈关于修改中华人民共和国民事诉讼法〉的决定》的相关规定，对《最高人民法院关于设立国际商事法庭若干问题的规定》作如下修改：

I. Subparagraph (1) of Article 2 is amended to read: "(1) An international commercial case of first instance which, by the choice of the parties by the agreement prescribed in [Article 277](#) of the [Civil Procedural Law](#), falls under the jurisdiction of the Supreme People's Court and whose amount of subject matter is more than 300 million yuan;"

一、将第二条第一项修改为：“（一）当事人依照[民事诉讼法第二百七十七条](#)的规定协议选择最高人民法院管辖且标的额为人民币3亿元以上的一审国际商事案件；”

II. Paragraph 1 of Article 8 is amended to read: "If an extraterritorial law shall apply to the case tried by an international commercial court, the court may ascertain the law by the following means:

二、将第八条第一款修改为：“国际商事法庭审理案件应当适用域外法律时，可以通过下列途径查明：

(1) Provision by the parties.

(一) 由当事人提供；

(2) Provision by the central authority or appropriate authority of the foreign country through judicial assistance channels.

(二) 通过司法协助渠道由对方的中央机关或者主管机关提供；

(3) Provision by China's embassy or consulate stationed in the foreign country or the embassy or consulate of the foreign country in China upon the request of the Supreme People's Court.

(三) 通过最高人民法院请求我国驻该国使领馆或者该国驻我国使领馆提供;

(4) Provision by participants in the law ascertainment cooperation mechanism established or participated by the Supreme People's Court.

(四) 由最高人民法院建立或者参与的法律查明合作机制参与方提供;

(5) Provision by experts of the International Commercial Expert Committee of the Supreme People's Court.

(五) 由最高人民法院国际商事专家委员会专家提供;

(6) Provision by a law ascertainment service provider or Chinese or foreign legal experts.

(六) 由法律查明服务机构或者中外法律专家提供;

(7) Other appropriate means.

(七) 其他适当途径。”

This Decision shall come into force on January 1, 2024.

本决定自2024年1月1日起施行。

The [Provisions of the Supreme People's Court on Several Issues Concerning the Establishment of International Commercial Courts](#), as amended according to this Decision, shall be reissued.

《最高人民法院关于设立国际商事法庭若干问题的规定》根据本决定作相应修改后重新公布。

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