



**Asia-Pacific
Economic Cooperation**

2014/SOM3/EC/WKSP1/015

Session 14

Chinese Practice on Hague Conventions and Bilateral Treaties

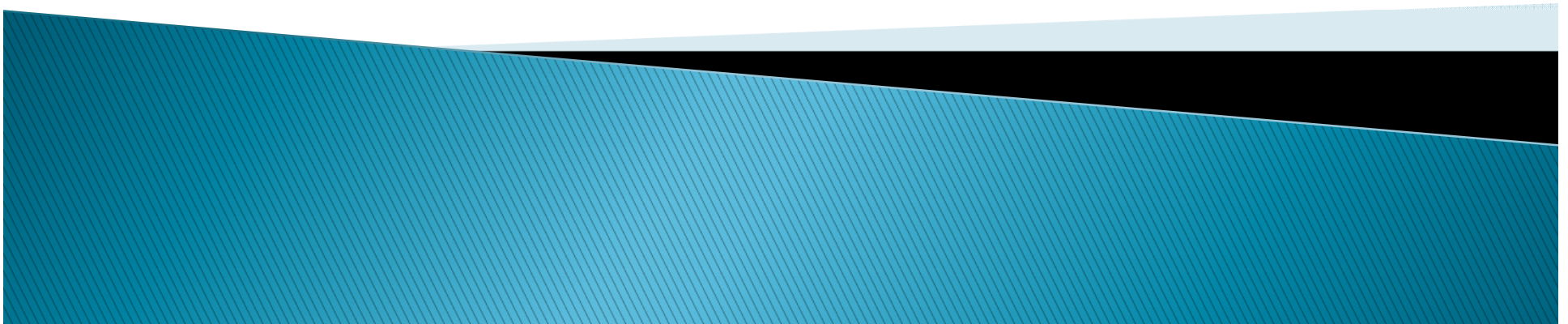
Submitted by: Hong Kong, China



**Workshop on Ease of Doing Business Through
Hague Conventions
Beijing, China
12 August 2014**

Chinese Practice on Hague Conventions and Bilateral Treaties

International Legal Cooperation Center
Ministry of Justice of China
Beijing, August the 12th, 2014



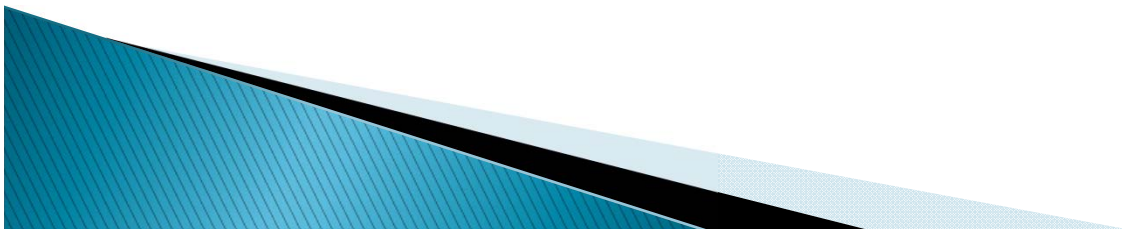
Legal Basis

- ▶ Hague Service Convention
- ▶ Hague Evidence Convention
- ▶ 34 treaties on MLA in civil and commercial matters
- ▶ Chinese Civil Procedure Law



Central Authority

- ▶ Ministry of Justice
- ▶ Duties relating to the civil MLA matters currently performed by the ILCC
- ▶ Department of Judicial Assistance and Foreign Affairs deals with criminal matters



What the CA does

Receiving and Forwarding

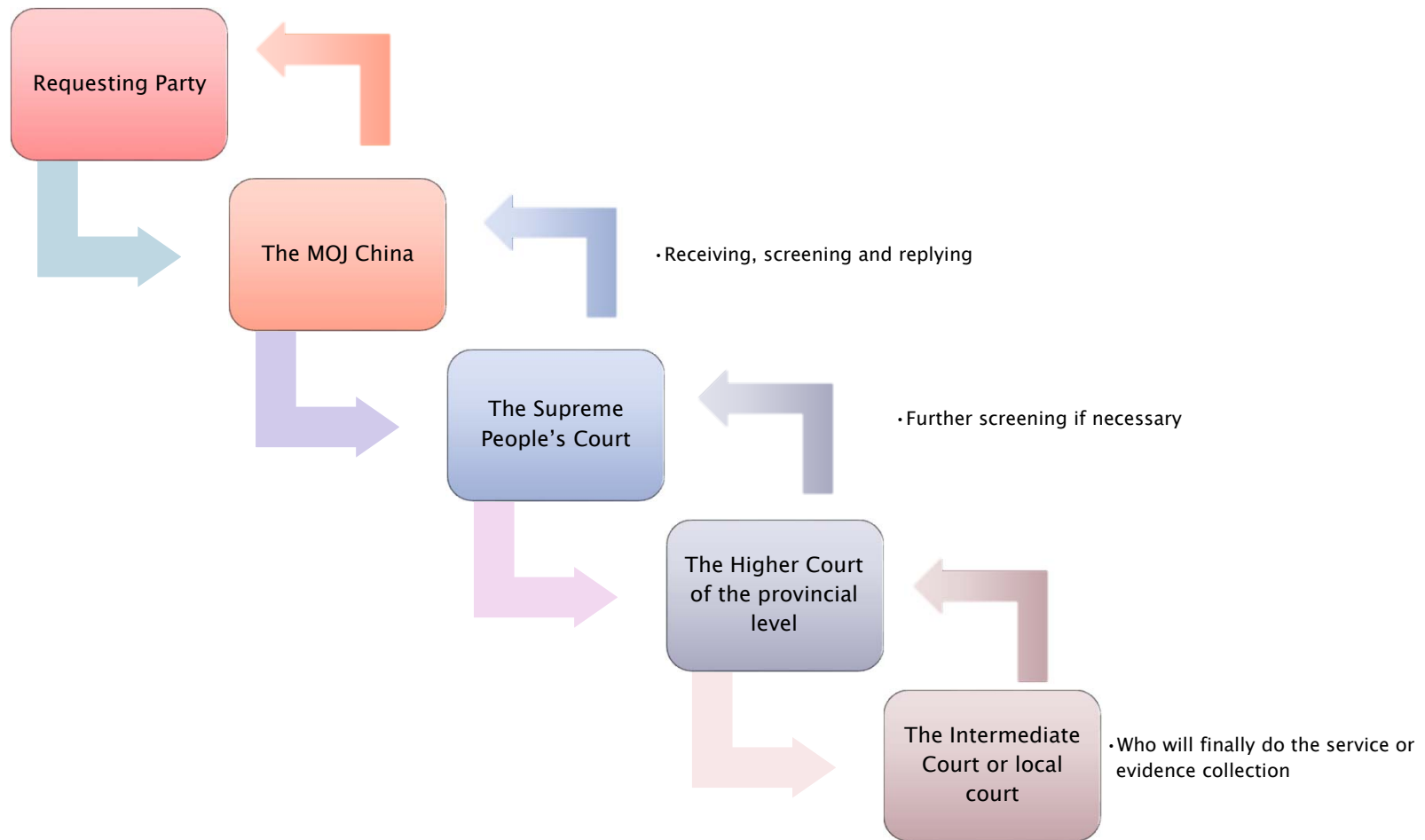
Screening

Coordinating

Replying



Domestic procedure



Different types of MLA requests

- ▶ Service
- ▶ Evidence
- ▶ Recognition and enforcement of foreign judgments
- ▶ Legal information exchange



Figures



Figure 1 Different Type

Total: 3000 cases per year
(based on the recent 5 year data)

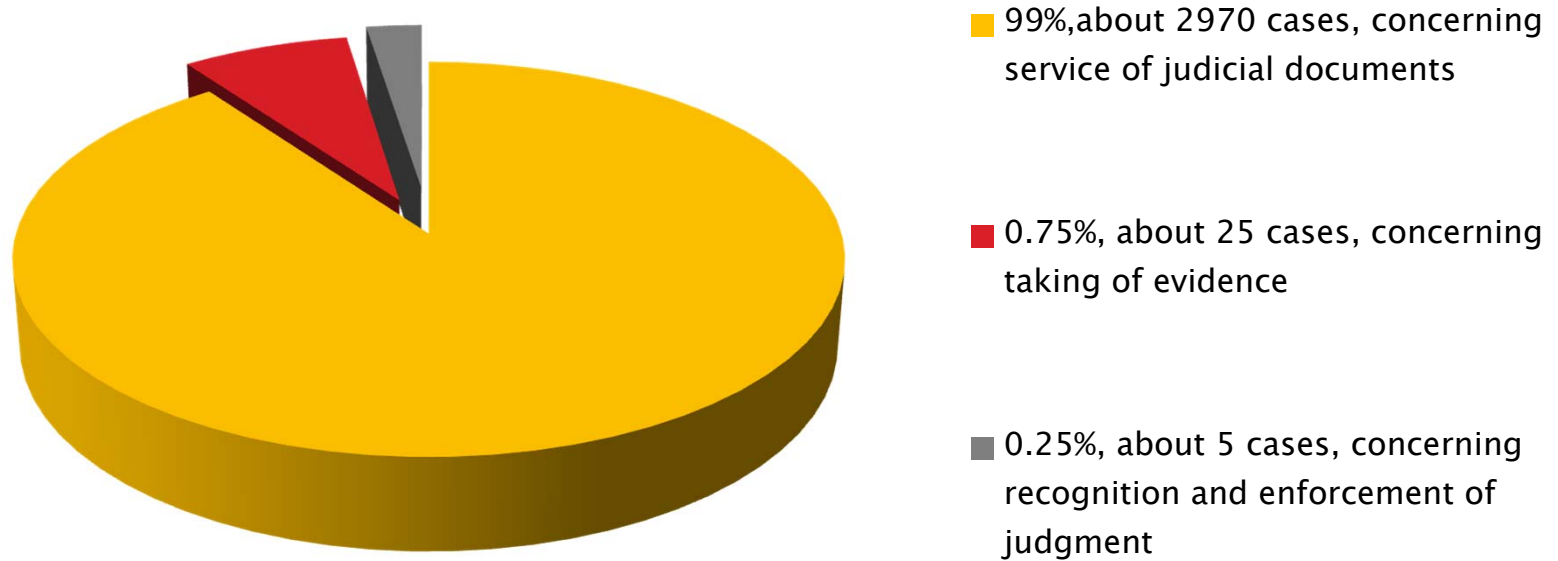
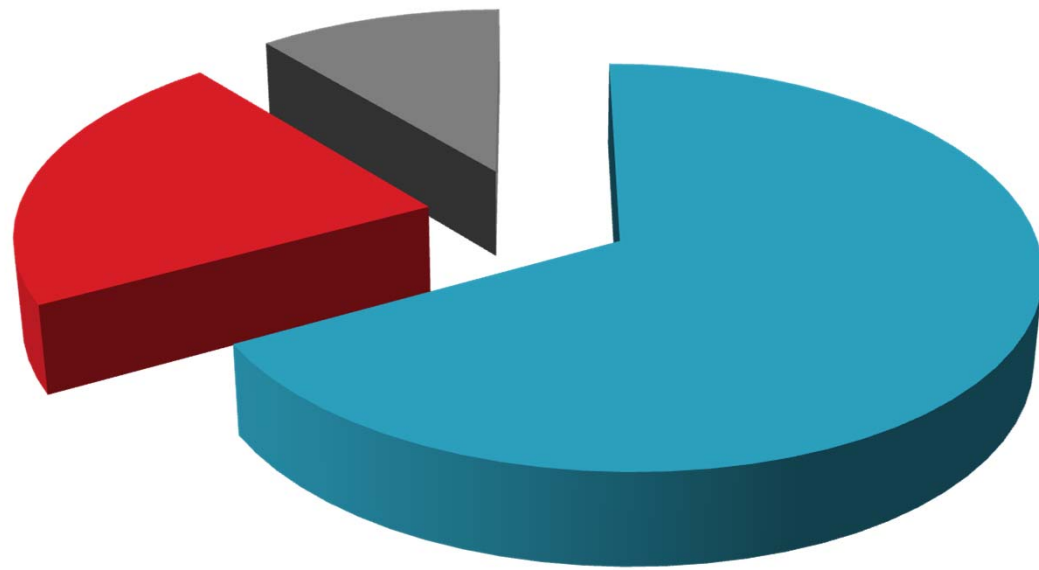


Figure 2 In and Out

Total: 3000 cases per year
(based on the recent 5 year data)



- 67% (about 2000 cases), incoming requests, most coming from the US, Germany, France, Italy, South Korea, Japan
- 22% (about 650 cases), outgoing requests through foreign Central Authority, going to the same countries as above-mentioned
- 11% (about 350 cases), outgoing requests through Chinese diplomatic missions overseas



Figure 3 Time Consumed on Service Cases

Total: 1943 incoming cases of the year of 2012

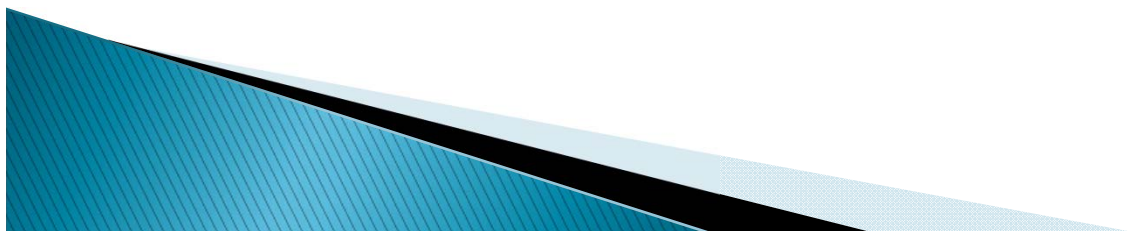
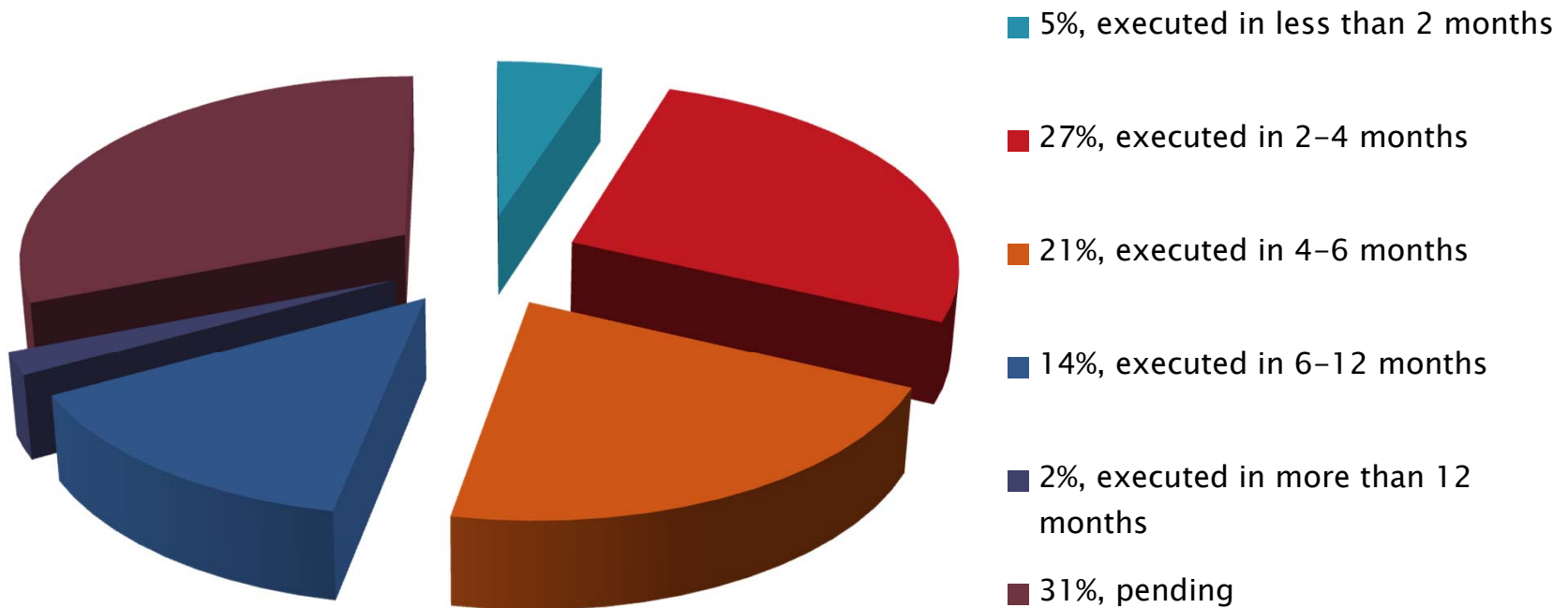
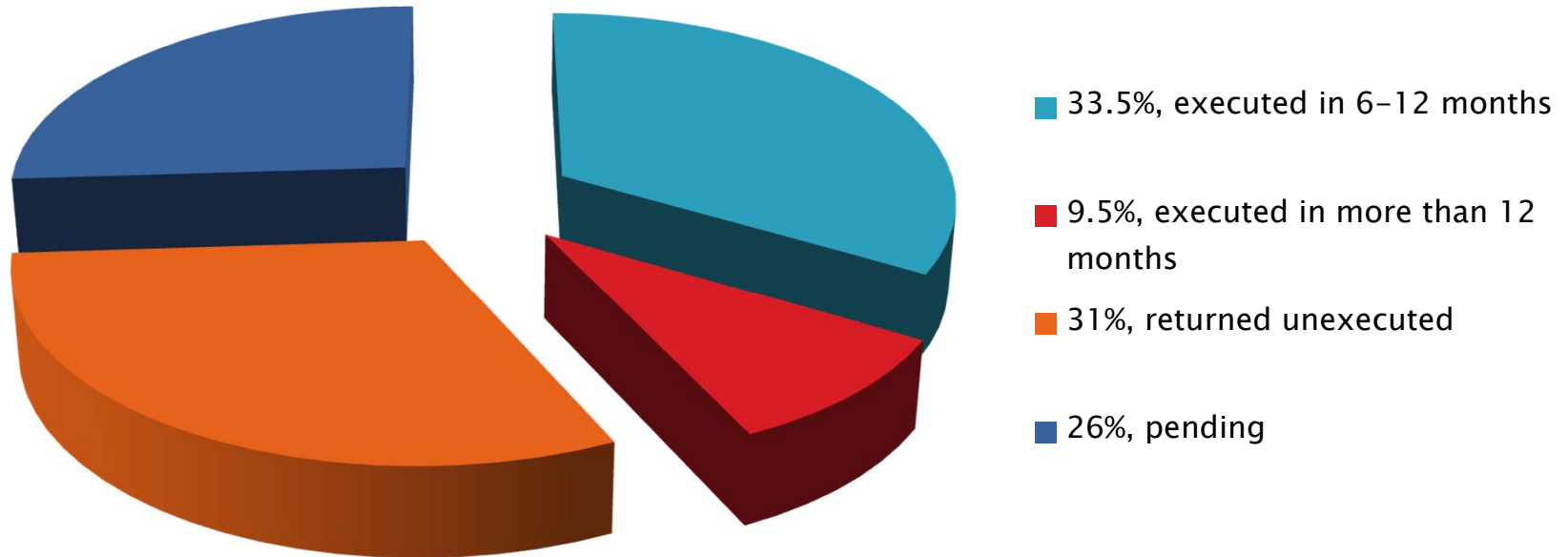


Figure 4 Time Consumed on Evidence Cases

Total: 42 incoming cases in the year of 2012



Experiences

- ▶ The official page www.hcch.net very useful
- ▶ Handbook offers good references
- ▶ Good communication builds up smooth cooperation
- ▶ New IT tools very helpful and extremely efficient

- ▶ New logo



Problems

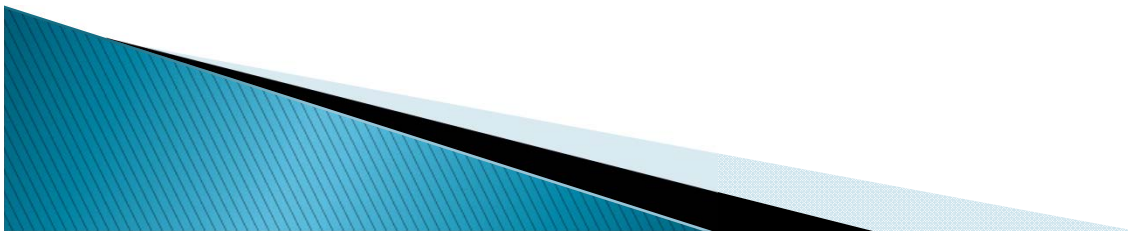
- ▶ Languages
- ▶ Use of the Hague forms
- ▶ Not enough information provided on request letter
- ▶ E-Communication channel
- ▶ Time consumed



Suggestions

To the Requesting Party:

- ▶ Read our FAQs before submit your request
- ▶ Find professional human translators instead of using Goog** or other translationbot
- ▶ Do not hesitate to contact us in case of any problems (Email preferable)



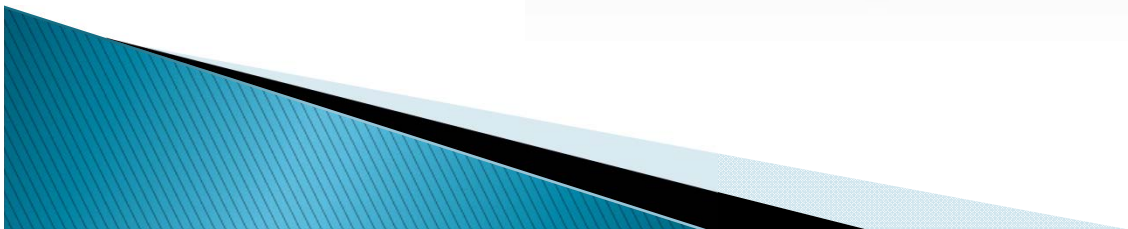
Suggestions

To the Hague Conference and member states:

- ▶ Offer more platforms for the states to get together and change views
- ▶ Promote the e-transmission of requests
- ▶ Use the Conventions more flexibly



QUESTIONS?



THANK YOU!

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