

Chinese Practice in Private International Law in 2018

Qisheng He, Professor of International Law at the Peking University Law School, and Director of the Peking University International Economical Law Institute, has published a survey on the Chinese practice in Private International Law in 2018. The full title of the article is the following: *The Chronology of Practice: Chinese Practice in Private International Law in 2018*.

The article has been published by the Chinese Journal of International Law, a journal published by Oxford University Press. This is the 6th survey published by Prof. He on the topic.

Prof. He has prepared an abstract of his article, which goes as follows:

This survey contains materials reflecting the practice of Chinese private international law in 2018. **First**, the statistics of the foreign-related civil or commercial cases accepted and decided by Chinese courts is extracted from the Report on the Work of the Supreme People's Court (SPC) in 2018. **Second**, some relevant SPC judicial interpretations including the SPC Provisions on Several Issues Regarding the Establishment of the International Commercial Court are introduced. The SPC Provisions on Several Issues concerning the Handling of Cases on the Enforcement of Arbitral Awards by the People's Courts are translated, and the Provisions reflect a pro-arbitration tendency in Chinese courts. **Third**, regarding jurisdiction, a case involving the binding force of a choice of court clause under the transfer of contract is selected. **Fourth**, three typical cases, relating to the conflict of laws rules, are examined and deal with the matters such as personal injury on the high seas, visitation rights, as well as uncontested divorces. The case regarding personal injury on the high seas discusses the "extension of territory" theory, but its choice of law approach deviate from Chinese law. **Fifth**, two cases involving foreign judgments are cited: one analyses the probative force of a Japanese judgment as evidence used by the SPC, and the other recognises the judgment of a French commercial court. **Sixth**, the creation of a "one-stop" international commercial dispute resolution

mechanism is discussed. This new dispute resolution mode efficiently coordinates mediation, arbitration and litigation. One mediation agreement approved by Chinese courts is selected to reflect this development. Finally, the paper also covers six representative decisions regarding the parties' status, the presumption of the parties' intention as to choice of law, and the validity of arbitration agreements.