

August 2022 Update: List of China's Cases on Recognition of Foreign Judgments

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On 21 August 2022, China Justice Observer released the 2022 version of the **List of China's Cases on Recognition of Foreign Judgments**. To date, we have collected 89 cases involving China and 24 foreign States and regions. (Note: Foreign divorce judgments are excluded in the Case List.)

The Case List was issued on July 16, 2019, and is updated annually. The 2020 update was also posted on ConflictOfLaws.net.

The full version of the 2022 List of China's Cases on Recognition of Foreign Judgments is available [here](#).

The key features of the updated list are:

- The List comprises 24 concise reports for each jurisdiction, together with a chart of bilateral judicial assistance treaties which China has concluded with 39 States, of which 35 bilateral treaties include judgment enforcement clauses.
- A total of 17 newly added cases involve eight jurisdictions, namely, the US (six cases), South Korea (three cases), Singapore (two cases), Australia (two cases), New Zealand (one case), Italy (one case), Germany (one case), and the UK (one case). Please note that in the German case, the Saarbrücken Regional Court of Germany refused to recognize and enforce a Chinese judgment on the ground of lack of reciprocity, despite the fact that, as early as 2013, China confirmed that there was reciprocity between the two countries. Please also note that in the UK case, the Shanghai Maritime Court of China ruled to recognize and enforce an English judgment, marking the first time that an English monetary

judgment has been enforced in China based on reciprocity.

- As a landmark judicial policy issued by China's Supreme People's Court, the 2021 Conference Summary provides a detailed guideline for Chinese courts to review foreign judgment-related applications. It significantly lowers the threshold by liberalizing the reciprocity test, while providing a much clearer standard for Chinese judges to examine applications for recognition and enforcement of foreign judgments. The aforementioned UK case is a good example, because one key to ensuring the enforcement of English judgments is the reciprocal relationship between China and England (or the UK, if in a wider context), which, under the *de jure* reciprocity test (one of the new three tests), was confirmed in this case. Another interesting example would be a series of cases where a Chinese court in Guangzhou recognized and enforced compensatory damages awarded in three U.S. EB-5 Visa fraud judgments, but rejected the punitive damages awarded therein, echoing the same rule laid down in the 2021 Conference Summary.
- Each case has been reviewed and more details, such as the case numbers and causes of action, have been added. Please note that we updated the information for existing cases involving the UAE and Italy.
- Case analyses have been aggregated under the country tags, so it is now easier to track down relevant cases, together with their information and analyses, in each country/region report. For example, under the tag 'US-China Judgments Recognition and Enforcement', one can find relevant case analyses involving mutual recognition and enforcement of judgments between the US and China.

As always, we endeavor to collect all Chinese court decisions involving the recognition and enforcement of foreign judgments ("REFJ"), and foreign counterparts concerning the recognition and enforcement of Chinese judgments. The Case List is made available for our readers to build reasonable expectations on REFJ in China.

The Case List is continually updated with new reports. Case information, comments, and suggestions are most welcome. Please feel free to contact Ms. Meng YU via e-mail at meng.yu@chinajusticeobserver.com .

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