

Court-to-court referrals and reciprocity between Chinese and Singapore courts

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In 2023 Su 05 Xie Wai Ren No. 8 dated March 14, 2025, the Suzhou Intermediate People's Court of Jiangsu Province in China (**Suzhou Court**) recognized and enforced civil judgment HC/S194/2022 under file number HC/JUD47/2023 by the Supreme Court of Singapore (**Singapore Judgment**). The judgment by the Suzhou Court (**Suzhou Judgment**) was announced in September 2025 by the Supreme People's Court of China (**SPC**) as among the fifth batch of Belt and Road Initiative (**BRI**) model cases.

Background

The applicant, Company Golden Barley International Pte Ltd (legal representative Wu), requested the Suzhou Court to recognize and enforce the Singapore Judgment, including the obligations imposed on the respondent Xiao to make payment.

The applicant claimed, among others, that Xiao, a director of Company Ba, colluded with other defendants of the case and procured Company Golden Barley into signing contracts with Company Ba and another company and making prepayment, without delivering to Company Golden Barley the goods agreed under those contracts. The Singapore Judgement, among others, ordered Xiao to pay over \$6.6 million plus interest to Company Golden Barley. The applicant based its application on China's *Civil Procedure Law*, the *Interpretations of the Supreme People's Court on the Application of Law to Interest Accrued on Debt during the Period of Delayed Performance during Enforcement* and the *Memorandum of Guidance between the Supreme People's Court of the People's Republic of China and the Supreme Court of Singapore on Recognition and Enforcement of Money Judgments in Commercial Cases* (**MOG**).

The respondent Xiao, on her part, made several counterclaims. Among others, she contended that service of the Singapore documents was defective as service was

forwarded by the International Cooperation Bureau of the SPC rather than the Ministry of Justice which is the competent authority designated by China to transmit foreign judicial documents under the 1965 HCCH Service Convention, and that the documents served on her were copies in the English language. Xiao also pointed out that the MOG is non-binding and that the treaty between China and Singapore on judicial assistance in civil and commercial matters does not cover judgments recognition and enforcement. Further, the respondent argued that the Singapore Judgment was not final and binding because it was pending appeal among some other defendants, making it ineligible for recognition and enforcement.

Decision

The Suzhou Court noted that courts in China and Singapore have recognized and enforced each other's civil and commercial judgments since the MOG was signed in August 2018. Reciprocity therefore exists between the two jurisdictions which is required under Chinese law for recognizing and enforcing foreign judgments in the absence of any international treaty on judgments recognition and enforcement signed by or acceded to by the jurisdictions concerned.

The Suzhou Court also found that service of the Singapore documents on Xiao was not defective. The Chinese embassy in Singapore had entrusted the International Cooperation Bureau of the SPC to assist with service for case HC/S194/2022 in July 2022. One month later, the Zhangjiagang People's Court in Jiangsu Province (**Zhangjiagang Court**) served those documents on Xiao who acknowledged receipt. Xiao then declined to take delivery of the originals of those documents when contacted again by the Zhangjiagang Court after the originals were subsequently forwarded by the Chinese embassy in Singapore.

Further, the Suzhou Court found that the Singapore Judgment is final and binding. Specifically, the Suzhou Court had requested the SPC to submit a Request for Assistance in Ascertaining Relevant Laws of Singapore to the Supreme Court of Singapore. In its reply issued in December 2024, the Supreme Court of Singapore explained the scope of application of Singapore's Rules of Court and the provisions therein on default judgments, which helped the Suzhou Court reach its conclusion.

The Suzhou Court accordingly recognized and enforced the Singapore Judgment.

Commentary

With this decision, the Suzhou Court continues the favorable momentum of the courts of China and Singapore recognizing each other's civil and commercial judgments and affirms the importance and practical application of the MOG despite its non-binding nature.

Further, according to the SPC, this is the first time that a Chinese court has activated the procedure for seeking assistance from a Singapore court to provide clarifications on relevant Singapore law. Article 19 of the MOG says Singapore courts may seek assistance from the SPC to obtain certification that the Chinese judgment for which enforcement is sought is final and conclusive. This "right" is not provided in the MOG for Chinese courts. According to the SPC, the Suzhou Court sought assistance from the Supreme Court of Singapore based on a separate instrument titled the Memorandum of Understanding on Cooperation between the Supreme People's Court of the People's Republic of China and the Supreme Court of the Republic of Singapore on Information on Foreign Law (**MOU**). This MOU provides a route for referrals between the courts of the two jurisdictions to seek information or clarifications on each other's relevant laws. Under the MOU, if it is necessary for courts in China or Singapore to apply the law of the other jurisdiction in adjudicating international civil and commercial cases, a request may be made to the relevant court in the other jurisdiction to provide information and opinions on its domestic law and judicial practice in civil and commercial matters, or matters relating thereto. The Supreme Court of Singapore and the SPC are the courts designated for transmitting, and for receiving and responding to, such requests in Singapore and China, respectively. Any request should be responded to as soon as possible, with notice to be given to the requesting court if the receiving court is unable to furnish a reply within 60 days. Further requests can also be made for more clarifications.

In Singapore domestic law, Order 29A of the Rules of Court 2021 empowers the Supreme Court of Singapore, on the application of a party or its own motion, to transmit to a specified court in a specific foreign country a request for an opinion on any question relating to the law of that foreign country or to the application of such law in proceedings before it. So far, China and the SPC are the only specified foreign country and specified court under Order 29A. Essentially, Order 29A has formalized the procedures under the MOU for Singapore.

This is different from Order 29 of the Rules of Court 2021 which currently lists New South Wales in Australia, Dubai of the United Arab Emirates and Bermuda as “specified foreign countries” and their relevant courts as “specified courts”. Under Order 29, where in any proceedings before the Supreme Court of Singapore there arises any question relating to the law of any of those specified foreign countries or to the application of such law, the Supreme Court of Singapore may, on a party’s application or its own motion, order that proceedings be commenced in a specified court in that specified foreign country seeking a determination of such question. The Supreme Court of Singapore has in place memoranda of understanding on references of questions of law with the Supreme Court of New South Wales, the Supreme Court of Bermuda and the Dubai International Financial Centre Courts. These memoranda of understanding all “direct” parties to take steps to have the contested issue of law determined by the foreign court.

This may explain why Order 29 is titled referrals on issues of law while Order 29A is titled requests for opinions on questions of foreign law. It should be noted that equivalent provisions are in place for referrals involving the Singapore International Commercial Court (SICC) (SICC Rules, Order 15 and Order 15A).

Finally, it may also be interesting to explain SPC’s lists of model cases. As a civil law jurisdiction, China does not practice *Stare Decisis*. Nor does it formally recognize the binding effects of precedents. However, the SPC does publish different lists of judgments which it deems of guiding value from time to time. Those judgments can be “guiding cases” which, loosely speaking, are of the highest “precedent value” and are subject to the most stringent selection criteria. They can be “model cases” which are of significant importance but are subject to less stringent selection criteria. They may also be “gazetted cases” which are judgments published on the official SPC newsletter for wider reference (but not guidance). Model cases may also be released for specific subject matter areas, such as intellectual property, financial fraud, etc. The Suzhou Judgment here is among the BRI model cases which mostly concern commercial disputes involving jurisdictions along the route of China’s BRI program.

This write-up is adaptation of an earlier post by the Asian Business Law Institute which can be found [here](#).

