



Singapore and China - Judgment Memorandum

On 31 August 2018, the Supreme Court of Singapore and the Supreme People's Court of the People's Republic of China signed a "*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*" ("**Memorandum**") aiming at facilitating money judgments issued by the Singapore courts to be recognized and enforced in the Chinese courts (and vice-versa). This represents a significant step forward in the area of cross-border civil and commercial dispute resolution.

Pursuant to the Memorandum, the judgement of a Singapore court may be recognized and enforced in a Chinese court on the basis of reciprocity. Even if the concept of reciprocity might itself lead to discussions since there are no specific criteria under the Chinese laws to explain such concept, the Memorandum also establishes that a Chinese court may recognize a judgment rendered by a Singapore court only if, *inter alia* (i) such judgment is final and conclusive; and (ii) the court of Singapore has the jurisdiction to rule out the relevant dispute, as determined by the Chinese court in accordance with its domestic laws and regulations.

While the Memorandum is not a treaty nor is it legally binding, it is however expected to improve the prospects of Singapore court judgments being enforced in China and it is in fact designed to try to provide clarity on the existing processes applied by the Chinese and Singapore courts when considering enforcement of a court judgment rendered by the courts of the other country.

The Memorandum is also of great significance in the context of the "Belt and Road Initiative" as it symbolizes a strengthening of judicial cooperation among countries along the "Belt and Road" with respect to the mutual recognition and enforcement of civil and commercial judgments. In essence, in all countries along the "Belt and Road" where the signing of a judicial assistance treaty seems unlikely, the supreme courts of the relevant countries may execute memoranda such as the Memorandum concerning the recognition and enforcement of civil and commercial judgments.

The above being understood, the most immediate effect of the Memorandum will be to aid the normalization and institutionalization of judicial assistance between China and Singapore and to meaningfully increase the predictability of the recognition and enforcement of court judgments between the two countries.

Please note that the above is simply an overview of the subject matter and it is not, nor is it intended to be, a legal opinion or legal advice. Should you have any questions concerning the new law's requirements set out above or should you wish to receive information on our annual package, please do not hesitate to contact us.

Stefano Beghi
Managing Partner

 Hong Kong
 +852 21563493
 @ sbeghi@gop.it

Davide De Rosa
Partner

 Hong Kong
 + 852 21563494
 @ dderosa@gop.it

Smeralda Mazzei
Associate

 Singapore
 +65 83211085
 @ smazzei@gop.it

Costanza Masini
Legal Assistant

 Hong Kong
 + 852 21563490
 @ cmasini@gop.it



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