

涉自贸区(港)诉讼指南

The Free Trade Zone (Port) Litigation Guide

涉外涉港澳台诉讼注意事项

涉外涉港澳臺訴訟注意事項

**Notice of Foreign, Hong Kong, Macanese,
and/or Taiwanese Litigation**

海南省高级人民法院 印制

THE HIGHER PEOPLE'S COURT OF HAINAN PROVINCE



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Notice of Foreign, Hong Kong, Macanese, and/or Taiwanese Litigation

I. 原告（外国人、港澳台公民）起诉时应出示本人身份证件（如护照，通行证等）和身份证件复印件；如委托他人代理诉讼的，应当出示经过公证或认证的授权委托书，以及委托代理人的身份证明文件等。外国人、无国籍人、外国企业和组织在人民法院起诉、应诉，需要委托律师代理诉讼的，必须委托中华人民共和国的律师。

原告（外國人、港澳臺公民）起訴時應出示本人身份證件（如護照，通行證等）和身份證件復印件；如委托他人代理訴訟的，應當出示經過公證或認證的授權委託書，以及委托代理人的身份證明文件等。外國人、無國籍人、外國企業和組織在人民法院起訴、應訴，需要委托律師代理訴訟的，必須委托中華人民共和國的律師。

A plaintiff (foreigner, citizen of Hong Kong, Macao, or Taiwan) submitting a complaint in person shall present his/her identification (e.g. passport, permit, etc.) as well as a duplicate of his/her identification. In case the plaintiff authorizes another person to submit a complaint, he/she shall present a notarized and verified power of attorney document, as well as an identification document of the authorized party, etc. Foreigners, stateless persons, foreign enterprises and organisations filing a lawsuit or countersuit with Court that are required to entrust a lawyer to participate in proceedings shall entrust a lawyer of the People's Republic of China.

II. 凡从中华人民共和国领域外寄交的授权委托书和证据材料，或境外形成的证据，均应当经所在国公证机关证明，并经中华人民共和国驻该国使领馆认证，或者履行中华人民共和国与该所在国订立的有关条约中规定的证明手续后，才具有效力。

凡從中華人民共和國領域外寄交的授權委託書和證據材料，或境外形成的證據，均應當經所在國公證機關證明，並經中華人民共和國駐該國使領館認證，或者履行中華人民共和國與該所在國訂立的有關條約

中規定的證明手續後，才具有效力。

Where the plaintiff submits a complaint with letter of attorney and material evidence received by mail from outside of China, or material evidence is gathered outside of China, the complaint, letter of attorney, and material evidence shall be notarized by a local notary agency and verified by the Chinese Consulate in that country. Alternatively, the plaintiff shall handle the certification formalities as set forth in the relevant treaty concluded between China and the country where the material evidence was gathered.

III. 凡从香港、澳门、台湾寄交的授权委托书和证据材料，或在香港、澳门、台湾地区形成的证据，相关公证/认证手续参照上述条款。

凡從香港、澳門、臺灣寄交的授權委託書和證據材料，或在香港、澳門、臺灣地區形成的證據，相關公證/認證手續參照上述條款。

Where the plaintiff submits a complaint with letter of attorney and material evidence by mail from Hong Kong, Macao, or Taiwan, or the material evidence is from Hong Kong, Macao, or Taiwan, relevant notarization formalities shall be followed.

IV. 起诉状、授权委托书和证据材料的文字是外文时，必须附有中文译本。如对方当事人是外国人，提交的上述材料必须附有对方当事人所在国的官方语言译本。相关的翻译文件应当由具有官方授予资质的翻译机构进行。

起訴狀、授權委託書和證據材料的文字是外文時，必須附有中文譯本。如對方當事人是外國人，提交的上述材料必須附有對方當事人所在國的官方語言譯本。相關的翻譯文件應當由具有官方授予資質的翻譯機構進行。

Where the complaint, material evidence, and/or letter of attorney are prepared in a language other than Chinese, a Chinese version shall be submitted; should any materials be served to a foreign party, a version of these materials shall be provided in the official language of the country where the recipient is located. The translation shall be executed by an officially qualified translation agency.

V. 涉外案件的期间 / 涉外案件的期間

The Period of Foreign-related Lawsuit

1. 在中华人民共和国领域内没有住所的被告，其一审答辩期限为收到起诉状副本之日起三十日内。

在中華人民共和國領域內沒有住所的被告，其第一審答辯期限為收到起訴狀副本之日起三十日內。

A defendant who has no in the People's Republic of China shall have the right to submit a statement of defense within 30 days after receiving the copy of complaint.

2. 在中华人民共和国领域内没有住所的当事人，其对一审判决、裁定的上诉期为判决书、裁定书送达之日起三十日内。被上诉人的二审答辩期限为收到上诉状副本之日起三十日内。

在中華人民共和國領域內沒有住所的當事人，其對一審判決、裁定的上訴期為判決書、裁定書送達之日起三十日內。被上訴人的二審答辯期限為收到上訴狀副本之日起三十日內。

A party which has no domicile in the People's Republic of China shall have the right to appeal against a judgment or ruling of first instance within 30 days from the date of service of the judgment or ruling. The appellee shall submit a statement of defense within 30 days after receiving the copy of the appeal.

3. 对在中华人民共和国领域内没有住所的当事人进行公告送达，送达期限为三个月。

對在中華人民共和國領域內沒有住所的當事人進行公告送達，送達期限為三個月。

A party which has no domicile in the People's Republic of China and served by public announcement shall be deemed served three months after the date of public announcement.