

最高人民法院关于涉外民商事案件管辖若干问题的规定

Provisions of the Supreme People's Court on Several Issues Concerning the Jurisdiction of Foreign-Related Civil and Commercial Cases

时效性： 现行有效

Validity: Currently in force

发文机关： 最高人民法院

Issuing Authority: Supreme People's Court

文号： 法释〔2022〕18号

Document No.: Fa Shi [2022] No. 18

发文日期： 2022年11月14日

Date of Issuance: November 14, 2022

施行日期： 2023年01月01日

Effective Date: January 1, 2023

效力级别： 司法解释

Hierarchy: Judicial Interpretation

《最高人民法院关于涉外民商事案件管辖若干问题的规定》已于2022年8月16日由最高人民法院审判委员会第1872次会议通过，现予公布，自2023年1月1日起施行。

The Provisions of the Supreme People's Court on Several Issues Concerning the Jurisdiction of Foreign-Related Civil and Commercial Cases were adopted at the 1,872nd meeting of the Judicial Committee of the Supreme People's Court on August 16, 2022, are hereby promulgated, and shall come into force on January 1, 2023.

最高人民法院

Supreme People's Court

2022 年 11 月 14 日

November 14, 2022

(2022 年 8 月 16 日最高人民法院审判委员会第 1872 次会议通过, 自 2023 年 1 月 1 日起施行)

(Adopted at the 1,872nd meeting of the Judicial Committee of the Supreme People's Court on August 16, 2022; effective as of January 1, 2023)

为依法保护中外当事人合法权益, 便利当事人诉讼, 进一步提升涉外民商事审判质效, 根据《中华人民共和国民事诉讼法》的规定, 结合审判实践, 制定本规定。

These Provisions are formulated in accordance with the Civil Procedure Law of the People's Republic of China and in light of adjudication practice, for the purposes of lawfully protecting the legitimate rights and interests of Chinese and foreign parties, facilitating litigation by the parties, and further improving the quality and efficiency of foreign-related civil and commercial adjudication.

第一条 基层人民法院管辖第一审涉外民商事案件, 法律、司法解释另有规定的除外。

Article 1 Primary-level people's courts shall have jurisdiction over foreign-related civil and commercial cases of first instance, unless otherwise provided by laws or judicial interpretations.

第二条 中级人民法院管辖下列第一审涉外民商事案件:

Article 2 Intermediate people's courts shall have jurisdiction over the following foreign-related civil and commercial cases of first instance:

(一) 争议标的额大的涉外民商事案件。

(1) Foreign-related civil and commercial cases involving a large amount in dispute.

北京、天津、上海、江苏、浙江、福建、山东、广东、重庆辖区中级人民法院, 管辖诉讼标的额人民币 4000 万元以上 (包含本数) 的涉外民商事案件;

The intermediate people's courts within the jurisdictions of Beijing, Tianjin, Shanghai, Jiangsu, Zhejiang, Fujian, Shandong, Guangdong, and Chongqing shall have jurisdiction over foreign-related civil and commercial cases in which the amount in dispute is RMB 40 million yuan or more (inclusive);

河北、山西、内蒙古、辽宁、吉林、黑龙江、安徽、江西、河南、湖北、湖南、广西、海南、四川、贵州、云南、西藏、陕西、甘肃、青海、宁夏、新疆辖区中级人民法院, 解放军各战区、总直属军事法院, 新疆维吾尔自治区高级人民法院生产建设兵团分院所辖各中级人民法院, 管辖诉讼标的额人民币 2000 万元以上 (包含本数) 的涉外民商事案件。

The intermediate people's courts within the jurisdictions of Hebei, Shanxi, Inner Mongolia, Liaoning, Jilin, Heilongjiang, Anhui, Jiangxi, Henan, Hubei, Hunan, Guangxi, Hainan, Sichuan, Guizhou, Yunnan, Tibet, Shaanxi, Gansu, Qinghai, Ningxia, and Xinjiang; the military courts of the various theater commands of the Chinese People's Liberation Army and those directly under the PLA headquarters; and the intermediate people's courts under the Production and Construction Corps Division of the Higher People's Court of Xinjiang Uyghur

Autonomous Region shall have jurisdiction over foreign-related civil and commercial cases in which the amount in dispute is RMB 20 million yuan or more (inclusive).

(二) 案情复杂或者一方当事人人数众多的涉外民商事案件。

(2) Foreign-related civil and commercial cases involving complex circumstances or a large number of parties on one side.

(三) 其他在本辖区有重大影响的涉外民商事案件。

(3) Other foreign-related civil and commercial cases of significant impact within the jurisdiction.

法律、司法解释对中级人民法院管辖第一审涉外民商事案件另有规定的，依照相关规定办理。

Where laws or judicial interpretations provide otherwise regarding the jurisdiction of intermediate people's courts over foreign-related civil and commercial cases of first instance, the relevant provisions shall apply.

第三条 高级人民法院管辖诉讼标的额人民币 50 亿元以上（包含本数）或者其他在本辖区有重大影响的第一审涉外民商事案件。

Article 3 Higher people's courts shall have jurisdiction over foreign-related civil and commercial cases of first instance in which the amount in dispute is RMB 5 billion yuan or more (inclusive), or which otherwise have a significant impact within the jurisdiction.

第四条 高级人民法院根据本辖区的实际情况，认为确有必要的，经报最高人民法院批准，可以指定一个或数个基层人民法院、中级人民法院分别对本规定第一条、第二条规定的第一审涉外民商事案件实行跨区域集中管辖。

Article 4 Where, in light of the actual circumstances of its jurisdiction, a higher people's court deems it truly necessary, it may, upon reporting to and obtaining the approval of the Supreme People's Court, designate one or several primary-level people's courts or intermediate people's courts to exercise cross-regional centralized jurisdiction, respectively, over the foreign-related civil and commercial cases of first instance provided for in Articles 1 and 2 of these Provisions.

依据前款规定实行跨区域集中管辖的，高级人民法院应及时向社会公布该基层人民法院、中级人民法院相应的管辖区域。

Where cross-regional centralized jurisdiction is exercised pursuant to the preceding paragraph, the higher people's court shall promptly announce to the public the corresponding jurisdictional areas of such primary-level and intermediate people's courts.

第五条 涉外民商事案件由专门的审判庭或合议庭审理。

Article 5 Foreign-related civil and commercial cases shall be tried by a specialized adjudication tribunal or a collegial panel.

第六条 涉外海事海商纠纷案件、涉外知识产权纠纷案件、涉外生态环境损害赔偿纠纷案件以及涉外环境民事公益诉讼案件，不适用本规定。

Article 6 These Provisions shall not apply to foreign-related maritime disputes, foreign-related intellectual property disputes, foreign-related disputes over compensation for ecological and environmental damage, or foreign-related environmental civil public interest litigation cases.

第七条 涉及香港、澳门特别行政区和台湾地区的民商事案件参照适用本规定。

Article 7 These Provisions shall apply by reference to civil and commercial cases involving the Hong Kong Special Administrative Region, the Macao Special Administrative Region, and the Taiwan region.

第八条 本规定自 2023 年 1 月 1 日起施行。本规定施行后受理的案件适用本规定。

Article 8 These Provisions shall come into force on January 1, 2023. Cases accepted after these Provisions take effect shall be governed by these Provisions.

第九条 本院以前发布的司法解释与本规定不一致的，以本规定为准。

Article 9 Where any judicial interpretation previously issued by this Court is inconsistent with these Provisions, these Provisions shall prevail.

Note: The English text in this document is an AI translation (translated by Kimi K3, a large language model developed by Moonshot AI (月之暗面)) and is provided for reference only. In the interpretation of these Provisions, the Chinese text shall prevail.