

(Courtesy Translation)

Supreme People's Court of the People's Republic of China

Fa [2009] No. 415

Supreme People's Court Notice of Relevant Issues on the Enforcement of Hong Kong Arbitral Awards in the Mainland

The Higher People's Courts of all provinces, autonomous regions and municipalities directly under the Central Government, the Production and Construction Corps Branch Court of the Higher People's Court of Xinjiang Uygur Autonomous Region,

Recently, the People's Courts or parties concerned have asked this Court whether the parties concerned can apply for enforcement in the Mainland of *ad hoc* arbitral awards made in the Hong Kong Special Administrative Region and the arbitral awards made in Hong Kong by the International Court of Arbitration of the International Chamber of Commerce pursuant to the "Arrangement Concerning Mutual Enforcement of Arbitral Awards between the Mainland and the Hong Kong Special Administrative Region" (hereinafter referred to as "the Arrangement"). In order to ensure the proper application and uniform enforcement of the Arrangement by the People's Courts in dealing with such cases, notice of the relevant issues is hereby given as follows:

Where an application has been made by a party to the People's Court for enforcement of an *ad hoc* arbitral award made in the Hong Kong Special Administrative Region or an arbitral award made in the Hong Kong Special Administrative Region by the International Court of Arbitration of the International Chamber of Commerce or other foreign arbitration institutions, the People's Court should examine it in accordance with the provisions of the Arrangement. In the absence of any situations set out in Article 7 of the Arrangement, the arbitral award shall be enforced in the Mainland.

(Official Seal of the Supreme People's Court of the
People's Republic of China affixed)

30 December 2009