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Mainland courts further recognize Taiwan verdicts

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The Supreme People's Court (SPC) of China issued a judicial interpretation Thursday to further regulate mainland courts' recognition of verdicts on civil cases made by Taiwan courts.

The judicial interpretation, effective Thursday, further specifies the range of civil cases entitled to recognition and clearly states that verdicts made by Taiwan courts, once recognized by mainland courts, have the same effect in the mainland as verdicts made by mainland courts.

Recognition is for Taiwan people who live in the mainland and are involved in civil cases for which a Taiwan court already issued a verdict.

Due to decades of political stand-off, judicial systems of the mainland and Taiwan used to have little exchanges or cooperation, which made jurisdiction very difficult -- especially when economic exchanges between the two sides increased and more Taiwan businessmen came to live in the mainland.

As a follow-up effort to an agreement on mutual judicial assistance signed by top negotiators from the two sides on April 26 in the east mainland city of Nanjing, the new judicial interpretation says that civil cases on commercial affairs, intellectual property and maritime affairs are also entitled to recognition.

Previously, most of the Taiwan court verdicts recognized by mainland courts were on civil cases about relationships and identities, a judge from the No. 1 Civil Tribunal of SPC, who spoke on condition of anonymity, told Xinhua Thursday.

In addition to court verdicts, conciliation statements and orders of payment on civil cases made by Taiwan courts and arbitrations reached by Taiwan arbitration institutions are also entitled to recognition, according to the interpretation.

Those who apply for recognition could ask for property preservation at the time the case is submitted or after it is heard. Property preservation should be applied for with "effective guarantee" before the court decides to recognize the previous verdict or not, the interpretation said.

Property preservation refers to the imperative measures taken by courts to restrict involved parties' disposal of controversial properties when the case is put under examination.

"Property preservation aims at best balancing the interests of the plaintiff and the defendant," the same judge said.

The time limit to apply for recognition is extended to two years after the verdict or arbitration was made in Taiwan. The previous time limit was one year.

The interpretation also states that those who apply for recognition bear responsibilities to prove the evidence they provide, such as authenticity and effectiveness of the verdict, and existence of the properties.

SPC issued the first such judicial interpretation in May of 1998.

(Xinhua News Agency May 15, 2009)

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