**Announcement of Supreme People's Court**

 “Several Rules Made by Supreme People’s Court on the Announcement of the Name List of Faithless Person Subject to Enforcement” has been approved at meeting No.1582 held by the Judicial Commission of Supreme People’s Court on July 1, 2013. Now we will make it public and it will come into force from Oct.1, 2013.

Supreme People’s Court

July 16, 2013

Supreme People’s Court Supreme 于公布失信被执行人名单信息的若干规定

(No.17 〔2013〕Judicial Explanation, approved at meeting No.1582 held by the Judicial Commission of Supreme People’s Court on July 1, 2013)

In order to urge the person subject to enforcement to actively carry out the obligations stipulated by effective legal documents and promote the construction of the social credit system, this rule has been made based on provisions of *The Civil Procedure Law of People’s Republic of China* while taking into consideration practice of People’s Court.

**Article 1** If the person subject to enforcement have the capacity to implement but do not implement the obligations stipulated by effective legal documents, and are under any of the following circumstances, the People’s Court should include them in the name list of Faithless Person Subject to Enforcement and give them credit punishment as per the law:

1. Hinder or resist enforcement by fabricating evidence or through violence or threat;

2. Circumvent enforcement through fraud litigation, fraud arbitration or by hiding or transferring property;

3. Violate the Property Reporting Rules;

4. Violate the Order of Restricting High Spending;

5. The Person(s) Subject to Enforcement refuse to implement the settlement agreement without justified reasons.

6. Have the capacity to implement but do not implement the obligations stipulated by effective legal documents under other circumstances.

 (Source: **two pieces of Judicial Explanation**)

**Article 2** The *Notification of Enforcement* issued to the person subject to enforcement by People’s Court should state the risk of being included in the name list of Faithless Person Subject to Enforcement.

　　If the Petitioner for Enforcement think the person subject to enforcement have one of the faithless behaviors list in Article 1, they can lodge a request to People’s Court and ask for the inclusion of the person subject to enforcement in the name list of Faithless Person Subject to Enforcement, and the People’s court will make a decision after investigation. If the People’s Court maintains that the person subject to enforcement have at least one of the faithless behaviors listed in Article 1, they can exercise their authority to include the person subject to enforcement in the name list of Faithless Person Subject to Enforcement.

If the People’s Court decide to include the person subject to enforcement in the name list of Faithless Person Subject to Enforcement , they should make a written decision and the decision is effective from the day it is issued. The written decision should be delivered to the interested parties in a way stipulated by Civil Procedure Law for legal documents delivery.

**Article 3** If the person subject to enforcement think they're wrongly included in the name list of Faithless Person Subject to Enforcement, they can ask the People's Court for correction. If the person subject to enforcement is natural person, the person subject to enforcement should come the People's Court in person to file their petitions and state their reasons. If the person subject to enforcement is legal entity or other organization, then its legal representative or the person responsible for it should come to the People’s Court and state their reasons. If the People’s Court think the reasons are tenable after investigation, they should make the decision to correct.

**Article 4** The recorded and announced information of the name list of Faithless Person Subject to Enforcement should include:

1. The name, organization code and legal representative or people in charge for the legal entity or other organizations;

2. The name, sex, age, and ID number of the nature person acted as Person Subject to Enforcement;

3. The obligations stipulated by the effective documents and the degree of performance of the Person Subject to Enforcement.

4. The details of faithless behaviors of the Person Subject to Enforcement.

5. The producer and file number for the basis of enforcement, as well as the enforcement case number, filing date, and the court of execution.

6. Other items not involving state secret, business secret and personal privacy, that should be recorded and announced from the perspective of People’s Court.

**Article 5** All levels of People’s Court should enter the name list information of faithless person subject to enforcement into the name list database of Faithless Person Subject to Enforcement set up by Supreme People’s Court, and announce the information to the society through the name list database.

All levels of People’s Court may, based on their actual conditions, announce the name list of the Faithless Person Subject to Enforcement through newspaper, broadcasting, television, Internet, as well as bulletin board of the court, while they can also announce to the society regularly how they implement the Faithless Person Subject to Enforcement name list system in their own court or in district court through press conference or by other ways.

**Article 6** People’s court should report the name list information of Faithless Person Subject to Enforcement to relevant government sections, financial regulatory institutions, financial institutions, public institutions with administrative functions as well as trade associations, so that they can give credit punishment to the Faithless Person Subject to Enforcement in government purchase, tendering and bidding, administrative examination and approval, government support, financing and credit, market access and qualification accreditation, etc., as per the law, the regulations and relevant rules.

 People’s court should report the name list information of Faithless Person Subject to Enforcement to the Credit Bureau, and the Credit Bureau will record the information in its credit system.

 If the Faithless Person Subject to Enforcement is state staff member, the People’s Court should inform their faithlessness to their organizations.

 If the Faithless Person Subject to Enforcement is state organ or state-owned enterprise, the People’s Court should inform their faithlessness to their higher leading bodies or competent authorities.

**Article 7** If the Faithless Person(s) Subject to Enforcement fit one of the following criteria, the People’s court should delete their information from the database of Faithless Person Subject to Enforcement:

1. Have fully implemented the obligations stipulated by the effective legal documents;
2. Have reached pacification agreement with the Petitioner for Enforcement and the Petitioner for Enforcement has confirmed their implementation of obligations;
3. The People’s Court has determined the termination of the execution.