**Notice of the Supreme People's Court on the *Minutes of National Court Bankruptcy Trial Meeting***

High People's Courts of provinces, autonomous regions, and municipalities directly under the central government, military courts of the People's Liberation Army, branch of the Production and Construction Corps of Xinjiang Uyghur Autonomous Region High People's Court:

The *Minutes of National Court Bankruptcy Trial Meeting* is hereby printed and distributed to you. Please follow them carefully.

Supreme People's Court

March 4, 2018

**Minutes of National Court Bankruptcy Trial Meeting**

In order to fulfill the requirements of implementing the new development concept and building a modern economic system put forward by the Party's Nineteenth Congress report, we will closely focus on the main line of high-quality development, serve and guarantee structural reforms on the supply side, and give full play to the positive role of the bankruptcy trial work of the people's court on the rescue and withdrawal mechanism of improving socialist market economy entities, provide a more powerful judicial guarantee for the success of a well-off society. On December 25, 2017, the Supreme People's Court held a national court bankruptcy trial meeting in Shenzhen, Guangdong Province. Representatives of the High People's Courts of provinces, autonomous regions, and municipalities directly under the central government and the Municipal Intermediate People's Court with the Bankruptcy Trial Division attended the meeting. After a serious discussion, the delegates reached a consensus on the main issues involved in the bankruptcy trial of the people's court. The minutes are as follows:

**I. General requirements of the bankruptcy trial**

The meeting held that the people's courts must adhere to the guidance of the socialist economic ideology with Chinese characteristics in the new era of Xi Jinping and profoundly understand the importance of bankruptcy law in building a well-off society. The bankruptcy trials should be conducted with more powerful measures to provide more powerful judicial guarantees for ensuring a sustained and healthy economic and social development. At present time and for a period to come, the general requirements for bankruptcy trials are:

**First, we must use the bankruptcy trial function to boost the construction of a modern economic system.** The people’s courts need to reallocate resources through bankruptcy work, make good use of the favorable opportunities of major adjustments in corporate bankruptcy such as rights and interests, operation management, assets, and technology to dispose of different types of businesses and mobilize, configure and coordinate production factors well such as science and technology, capital, labor, and human resources so as to promote the quality and efficiency of the real economy and industrial system.

**Second, we must focus on services to build a new economic system and improve the mechanism for the rescue and withdrawal of market entities.** It is necessary to make full use of reorganization and reconciliation laws to achieve effective treatment of market entities and help enterprises improve quality and efficiency; use liquidation methods to prompt enterprises and production capacity that have lost business value to withdraw from the market in a timely manner to achieve survival of the fittest, thereby improving the rescue and withdrawal mechanism of socialist market entities.

**Third, we must improve the working mechanism of bankruptcy trials and maximize the value of bankruptcy trials.** It is necessary to further improve the recognition of the four bankruptcy trial working mechanisms, including bankruptcy reorganization of corporate identity, the coordination of government and courts, the communication of case information, and the lawful and orderly interests balance, promote the sound operation of bankruptcy trials, and highlight the institutional value and social responsibility of bankruptcy trial work.

**Fourth, we must improve the orderly connection between implementation and bankruptcy, and promote the resolution of “Law enforcement difficulty”.** Bankruptcy trials should be used as an important link with filing, trial, and execution, which are both mutually connected and relatively independent. The promotion function of bankruptcy trials to resolve accumulated cases should be brought into full play, and the obstacles to the implementation of bankruptcy transfers should be eliminated. The judicial work mechanism should be used to explore the effective ways to solve “law enforcement difficulty”.

**II. Professionalization of bankruptcy trials**

The professionalization of trials is the key link for substantial progress in the bankruptcy trial. Courts at all levels must vigorously strengthen the professionalization of bankruptcy trials and strive to achieve the professionalization of trial institutions, the professionalization of trial teams, the normalization of trial procedures, the standardization of referee rules, and the scientization of performance appraisal.

**1. Promote the professionalization of bankruptcy trial institutions.** The intermediate people's courts of the provincial capital and sub-provincial cities shall set up a liquidation and bankruptcy trial court in accordance with the “Work Plan on Establishing a Liquidation and Bankruptcy Trial Division at the Intermediate People's Court” issued by Supreme People's Court (Fa [2016] No. 209). Other courts at all levels may decide to establish a liquidation and bankruptcy trial division or a special collegiate bench based on the actual needs of local work, and to train professional judges who are familiar with liquidation and bankruptcy trials to meet the needs of bankruptcy trials.

**2. Reasonably configure the trial mission.** The trial tasks of the courts at all levels must be reasonably distributed according to the number of bankruptcy cases, the degree of difficulty of the case, the strength of the trial, etc. For a bankruptcy case with a complicated debt and credit relationship and a difficult trial, the high people's court can explore the jurisdictional system where the principle of centralized jurisdiction of the intermediate people's court is applied and the jurisdiction of the basic people's court is the exception; While the bankruptcy case with a simple debt and credit relationship and less difficult trial can be mainly governed by the basic people's court, and it can be concluded through high-speed trial procedures.

**3. Establish a scientific performance evaluation system.** It is necessary to improve the performance evaluation system for liquidation and bankruptcy trials as soon as possible, determine performance evaluation criteria on the basis of full respect for the law of the judiciary, and avoid the simple comparison of liquidation and bankruptcy cases with ordinary cases, and avoid equating and assess them equally.

**III. Improvement of the administrator system**

The administrator is the main promoter of the bankruptcy proceedings and the concrete executor of the bankruptcy affairs. The administrator's ability and quality not only affect the quality of the bankruptcy trial, but also affect the fate and future development of the bankrupt enterprise. It is necessary to speed up the improvement of the administrator system, vigorously enhance the administrator's professional quality and operation ability, strengthen the duty performance guarantee and effective supervision for administrators, and provide a strong institutional guarantee for the improvement of business operations and optimization of the industrial structure.

**4. Improve the administrator team structure.** The people's courts shall instruct the intermediary institutions who incorporated in the register of administrators to adopt appropriate methods to recruit professionals with professional technical knowledge and business operation capabilities to the administrator team, and to promote the internal structure of the managerial team to be more reasonable, and to give full play and enhance the important role of administrators in enterprise etiology diagnosis, resource integration and other important aspects.

**5. Explore administrators' practice across regions.** In addition to selecting administrators from the local roster, local courts can also try to select administrators from the list of provincial and municipal administrators to ensure that they can select the best administrators in the major bankruptcy cases. When two or more qualified intermediary agencies request to jointly serve as the administrators of the same bankruptcy case, the people's courts may permit if they meet the requirements of voluntary negotiation, complementing each other, and having consistent requirements of powers and responsibilities.

**6. Implement administrator's classification management.** A high people’s court or an intermediate people’s court that has compiled its own register of administrators may comprehensively consider the administrator’s professional standards, work experience, professional ethics, work performance, degree of diligence, and other factors, and reasonably determine the level of the administrators, and implement hierarchical management and regular evaluation of the managers. A bankruptcy case with a small number of debtor assets and a simple debtor-creditor relationship may be designated to the administrator at a corresponding level of by waiting, drawing lots or lottery.

**7. Establish competitive working mechanism to select the administrators.** In a bankruptcy case, a competitive mechanism can be introduced to select administrators and improve the quality of bankruptcy management. The bankruptcy cases of listed companies, bankruptcy cases that have significant local influence, or complex debtor-creditor relationship, bankruptcy cases involving a large number of creditors, employees, and interested parties should generally select administrators through competition, according to law when designating a administrator.

**8. Reasonably divide the function scopes of the court and the administrator.** The people's court shall support and guarantee that the administrators shall perform their duties in accordance with the law, and shall not take the place of the administrators to make decisions that should have been made by the administrators themselves. The administrators shall manage and dispose of the debtor’s property in accordance with the law, determine the internal management of the debtor in a prudent manner, and may not assign all or part of their duties to others.

**9. Further implement administrator’s duties.** In the reorganization process that the debtor manages on its own, the people's court must urge the administrator to formulate a specific system for the supervision of the debtor. During the supervision period stipulated in the reorganization plan, the administrator shall represent the debtor in the litigation and arbitration activities that have been started before the start of the supervision period and have not yet been concluded. After the reorganization and reconciliation procedures are transferred to the bankruptcy liquidation procedures, the administrator shall continue to perform the duties of the administrator in accordance with the bankruptcy liquidation procedures.

**10. Exert incentive and binding functions of administrators' remuneration.** The people's court may determine the payment method of the remuneration of the administrator according to the different circumstances of the bankruptcy cases, and exert the active role of the remuneration of the administrator in motivating and restraining the administrator in performing its duties diligently. The remuneration of the administrator shall, in principle, be paid in installments according to the examination progress of the bankruptcy case and the performance of the administrator. The administrator can be paid once after the bankruptcy proceedings are terminated when the bankruptcy case is simple and consumes short time.

**11. Regulations on governing the cost of employing other personnel by administrators.** When the administrator employs the business management personnel with the permission of the people's court, or when the administrator really needs to employ other social intermediary agencies or personnel to deal with the professional work such as major lawsuit, arbitration, execution or auditing, if the required expenses need to be included in the bankruptcy expenses, it should be approved by the creditors' meeting.

**12. Promote the establishment of a comprehensive security system for bankruptcy expenses.** The local courts must actively seek the support of the financial department or take certain proportions from the remunerations of other administrators, promote the establishment of bankruptcy expense protection funds, establish a long-term mechanism for the protection of bankruptcy expenses, and solve the problem that debtor’s assets are insufficient to meet bankruptcy expenses, which affects the initiation of bankruptcy proceedings.

**13. Support and guide the establishment of an administrator association.** The people's courts shall support, guide, and promote social intermediary agencies and individuals in the list of administrators within their respective jurisdictions to establish administrator associations, strengthen the management and restraint of the administrators, and safeguard the legitimate rights and interests of the administrators, and gradually form normative, stable, and self-disciplined industry organization, and ensures that the administrator team is full of vigor and carry out standardized and orderly development.

**IV. Bankruptcy reorganization**

The meeting held that the reorganization system embodies the rescue function of the bankruptcy law and represents the development trend of the modern bankruptcy law. The courts at all levels in the country must attach great importance to reorganization work, properly review corporate reorganization cases, and rescue distressed companies through marketization and legalization, constantly improve the rescuing mechanism of the main body of the socialist market.

**14. Recognize the recognition and review of the company.** The object of bankruptcy reorganization should be a company with rescuing value and possible distressed companies; for zombie enterprises, they should go through bankruptcy liquidation and resolutely achieve market clearing. When reviewing a reorganization application, the people's court shall not accept the application when they think the debtor does not have the reorganization value and the rescuing possibility based on factors such as the debtor’s asset status, technical process, production and sales and industry prospects.

**15. Reform the hearing process of the case.** For cases involving complicated credits and debts, large scale of the debts, or cases involving the reorganization of listed companies, the people's courts may organize the applicant and the respondent to participate in the hearing when reviewing the application for reorganization. Creditors, investors, restructured investors, and other stakeholders may also participate in the hearing if they are permitted by the people's courts. The hearing period is not included in the reorganization application review period.

**16. The formulation and coordination of the reorganization plan.** The people's courts must strengthen communication with administrators or debtors, and guide them to analyze the causes of the debtors’ dilemmas. They must formulate drafts of reorganization plans in a targeted manner to encourage enterprises to regain profitability and increase the success rate of reorganization. The people's court must establish a communication and coordination mechanism with the government to help the administrator or the debtor solve the difficulties and problems in the drafting of the reorganization plan.

**17. Review and approval of the reorganization plan.** Reorganization is not limited to debt relief and financial adjustments. The focus of reorganization is to maintain the operational value of the company. In reviewing the reorganization plan, the people's courts shall not only review legality, but also review whether the business plan is feasible. If the business plan for regaining profitability of the enterprise in the reorganization plan is feasible, the voting procedure is legal, and the content does not impair the settlement benefit of the opponents in each voting group, the people’s court shall order approval of the reorganization plan within thirty days from the date of receipt of the application.

**18. The conditions for the compulsory approval of the reorganization plan draft.** The people's courts should prudently apply the second paragraph of Article 87 of the Enterprise Bankruptcy Law and must not abuse the right of compulsory approval. If it is really necessary to compel approval of the draft of the reorganization plan, the draft of the reorganization plan shall comply with the second paragraph of Article 87 of the Enterprise Bankruptcy Law. If there are more than one group of creditors, at least one group has already passed the draft of the reorganization plan. And the liquidation benefit that opponents in each voting group can obtain is not less than the benefit that can be obtained according to the bankruptcy liquidation procedure.

**19. Changeable conditions and procedures for the execution of the reorganization plan.** Debtors should strictly implement the reorganization plan, but if the special circumstances occur, such as national policy revision, law revision and other changes, which leads that the original reorganization plan can not be implemented, the debtor or the administrator may apply for changes of the reorganization plan once. If the resolution of the creditors’ meeting agrees to change the reorganization plan, it shall be submitted to the people’s court for approval within ten days from the date of passing the resolution. If the resolution of the creditors’ meeting disagrees or the people’s court does not approve the application for change, the people’s court shall, upon the request of the administrator or an interested person, decide to terminate the implementation of the reorganization plan and declare the debtor bankrupt.

**20. The re-voting and ruling approval after the change of the reorganization plan.** When the people's court agrees to change the reorganization plan, the debtor or the administrator shall propose a new reorganization plan within six months. The changed reorganization plan shall be submitted to the creditor group and the contributor group that have been adversely affected by the change of the reorganization plan. The procedures for voting, applying for approval by the people's court, and whether the people's court rules for approval are the same as those of the original reorganization plan.

**21. Guarantee of normal production and business operations after restructuring.** After the reorganization of the enterprise, compared with the original enterprise, the investment subject, the ownership structure, the corporate governance model and the business operation often undergo fundamental changes. The people's courts must strengthen the communication and coordination with the government and help the restructured enterprise to repair credit records, get tax incentives so as to help the restructured enterprise to resume normal production and operations.

**22. Explore the connection between out-of-court reorganization and in-court reorganization.** Before the company enters the reorganization process, creditors, debtors, contributors, and other interested parties may formulate reorganization plans through out-of-court commercial negotiations. After the initiation of the reorganization procedure, the reorganization plan draft may be prepared based on the reorganization plan and submitted to the people's court for review and approval.

**V. Bankruptcy liquidation**

The meeting held that bankruptcy liquidation, as an important component of the bankruptcy system, has the direct effect of eliminating backward production capacity and optimizing the allocation of market resources. For the debtor who lacks the rescuing value and possibility, it is necessary to timely clear the creditor’s rights and debts through bankruptcy liquidation procedures, reconfigure social resources, improve the quality and level of effective social supply, and strengthen the leading role of the bankruptcy law for market economy development.

**23. Conditions for the declaration of bankruptcy.** After the people’s court accepts the application for bankruptcy liquidation, and no one proposes a reorganization or settlement application at the first creditors’ meeting, the administrator shall promptly file an application for declaring bankruptcy in the people’s court after the debtor’s right to review and confirm and the necessary auditing and asset assessment. After the people’s court accepts the application for bankruptcy conciliation or reorganization, when the debtor has the legal reason to declare bankruptcy, the people’s court shall declare the debtor bankrupt according to laws.

**24. Procedures for the announcement of bankruptcy and restrictions on conversion.** Where the relevant entity submits an application for declaring bankruptcy to the people's court, the people's court shall, within seven days from the date of receipt of the application, make a ruling of bankruptcy and make an announcement. After the debtor is declared bankrupt, it may not be transferred to a reorganization procedure or a conciliation procedure.

**25. Execution and limitations of the rights of the secured party.** In bankruptcy liquidation and bankruptcy reconciliation proceedings, a creditor who has a security right over the debtor’s specific property may at any time submit to the administrator a preferential right of redress for the disposal of the particular property, and the administrator shall promptly change the price, and may not refuse at the reason that it should be resolved at the meeting of the creditor. However, since the disposal of the secured property by itself will reduce the value of other bankruptcy assets, it should be treated as a whole.

**26. Disposal of bankruptcy property.** Disposal of bankruptcy assets should be based on the principle of maximizing value and giving consideration to disposal efficiency. The people's court must actively explore more effective methods and channels for the disposal of bankruptcy property, and maximize the rate of change of bankruptcy property. If an auction is used for disposal, the proceeds from the auction are not expected to be sufficient to cover the cost of the auction, or if the auction fails, the creditor’s meeting may adopt resolutions to sell or distribute in kind. If the scheme for sale or in-kind distribution has not been approved by the creditors’ meeting twice, it shall be determined by the people’s court.

**27. Corporate bankruptcy and the protection of employees’ rights and interests.** Bankruptcy procedures should properly handle labor relations according to law, promote the improvement of the wage arrears protection system for workers, and protect the rights of employees to survive in accordance with the law. The employees’ claims advanced by the third party shall, in principle, be repaid in accordance with the nature of the advanced creditor’s claims; Advances made by the wage-insurance fund shall be paid in accordance with the order of the second item of the first paragraph of Article 113 of the Bankruptcy Law. The housing accumulation fund owed by the debtor is repaid in accordance with the nature of the wages owed by the debtor.

**28. The principle and sequence of liquidation of bankruptcy claims.** For the claims that the law does not clearly stipulate the order of repayment, the people's court may reasonably determine the order of repayment in accordance with the principles of personal injury claims over priority of property claims, private law claims over public law claims, and compensatory claims over punitive claims. The compensation for personal injury caused by the debtor’s infringement can be paid in the order specified in the first item of the first paragraph of Article 113 of the Bankruptcy Law, with the exception of the involved punitive damages. After the bankruptcy property has been repaid in accordance with the order stipulated in Article 113 of the Enterprise Bankruptcy Law, it may still be used to liquidate punitive claims such as civil punitive damages, administrative fines, and criminal fines incurred prior to bankruptcy acceptance.

**29. Establish the simple and streamlined mechanism for the hearing of bankruptcy cases.** People’s courts should improve trial efficiency of the hearing of bankruptcy cases. Under the premise of ensuring that the procedures and substantive rights of interested parties are not compromised, a simple and streamlined mechanism for hearing bankruptcy cases should be established. For bankruptcy cases where the creditor’s rights and liabilities are clearly defined and the debtor’s property is clearly stated, the process of hearing the case can be expedited by shortening the process time, simplifying the process, etc., but the minimum period prescribed by law may not be exceeded.

**30. The end of the bankruptcy liquidation process.** The completion of the bankruptcy liquidation procedure by the people's court shall be based on the identification of the debtor’s property status, the clear distribution of the debtor’s property, and the securing of the bankruptcy creditor’s rights according to law. After the bankruptcy application has been accepted, if the debtor’s property is insufficient to pay off the bankruptcy expenses and no one has paid off or advances it upon investigation by the administrator, the people’s court shall declare bankruptcy and order the termination of the bankruptcy liquidation procedure according to the administrator’s application.

**31. The guarantor's liability for repayment and the limitation of its right of claim.** Before the conclusion of the bankruptcy proceedings, the guarantor who has assumed the guaranty responsibility for the creditor may request the debtor to transfer to pay the portion that should have been paid to the creditor who has declared the creditor’s right in the bankruptcy proceedings. After the conclusion of the bankruptcy proceedings, the creditor shall, within the unclaimed portion of the bankruptcy proceedings, demand the guarantor to assume the guaranty liability, which shall be filed within six months after the conclusion of the bankruptcy proceedings. After the guarantor assumes the responsibility of guarantee, it may not exercise the right of repayment to the debtor after the reconciliation or reorganization.

**VI. Bankruptcy of related companies**

The meeting held that when people's courts try bankruptcy cases involving affiliated companies, they must base themselves on the specific relationships between bankrupt affiliates and adopt different methods to handle them. It is necessary to deal with the highly confusing relationship of corporate personality by means of substantive merger trials to ensure that all creditors are fairly liquidated and to avoid improper use of substantive merger trials to damage the legitimate rights and interests of relevant stakeholders.

**32. The prudent application of related companies’ substantive merger and bankruptcy.** When people’s courts try business bankruptcy cases, they should respect the independence of the corporate personality, and make independent judgments on the bankruptcy causes of the members of related companies and apply a single bankruptcy procedure as the basic principle. When there is a high degree of confusion between corporate personality of the members of an related company, the cost of distinguishing each affiliate member’s property is too high, and the creditor’s fair settlement of benefits is seriously impaired, the related companies substantive merger bankruptcy can be used in exceptional cases.

**33. Review of the substantive merger application.** After receiving the application for substantive merger, the people's court shall promptly notify the relevant stakeholders and organize a hearing. The time for hearing shall not be included in the examination time. In reviewing the substantive merger application process, the people's court may comprehensively consider the factors such as the mixed procedures and duration of assets among related companies, the interest relationships among enterprises, the overall liquidation of creditors, and the possibility of increasing corporate restructuring. The ruling of whether or not to take a substantive joint review should be made within thirty days from the date of receipt of the application.

**34. The remedy of the rights of the interested parties in the substantive consolidation.** If the relevant interested party is not satisfied with the adjudicative ruling made by the court of admissibility, it may apply for reconsideration from the people's court at the superior level to the admissibility court within fifteen days from the date of the arrival of the written verdict.

**35. Jurisdiction principles and conflict resolution in substantive merger trials.** When the bankruptcy case of an related company is tried in a substantive merger, it shall be under the jurisdiction of the people's court of the affiliated enterprise where the core control enterprise is domiciled. When the core controlling company is not clear, it shall be under the jurisdiction of the people's court where the main property of the affiliated company is located. When disputes arise between multiple courts regarding jurisdiction, they shall report to the common superior people's court for determination of jurisdiction.

**36. Legal consequences of substantive merger proceedings.** When the people’s court rules that the bankruptcy case is to be examined by a substantive merger, the creditor’s rights and debts among the members of the related company shall be extinguished, and the property of each member shall be the unified bankruptcy property after the merger. The creditors of each member shall be fairly subject to the compensation in accordance with the legal order in the same procedure. In the case of reorganization through substantive consolidation, a unified classification of claims, adjustments to claims, and claims for compensation should be formulated in the draft of the reorganization plan.

**37. Subsistence of the enterprise members after the substantive merger.** If the bankruptcy liquidation is applied to the substantive merger rules, the members of the related companies shall be written off after the termination of the bankruptcy proceedings. When a substantial consolidation rule is applied for conciliation or reorganization, each affiliated enterprise shall be merged into one enterprise in principle. According to the settlement agreement or the reorganization plan, if there is a need to maintain the independence of individual companies, they should be dealt with separately in accordance with the relevant rules for the separation of enterprises.

**38. Principles for the coordination of trial and jurisdiction of bankruptcy cases in related enterprises.** If multiple related enterprise members have bankruptcy reasons but do not meet the conditions for substantive merger, the people's court may conduct coordination procedures for the multiple bankruptcy proceedings according to the application of the relevant entity, and may comprehensively consider factors such as the efficiency of the bankruptcy case hearing, the sequence of the bankruptcy filing, the size of the liabilities of the members, the place of residence of the core controlling company, etc., in accordance with the needs of program coordination, and then let the common superior court to determine a court to carry out centralized management.

**39. Legal consequences of coordinating trials.** Coordinating trials do not eliminate the creditor-debtor relationship among the members of the related company, and do not merge the property of the members of the related companies. The creditors of the members of the related companies still receive the legal compensation according to the property of the member of the enterprise. However, the creditor's right formed by the improper use of the associated relationship between the members of the related company shall be inferior to other common claims in the order of repayment, and the inferior creditor shall not be given priority for repayment of the specific property provided by other affiliated members.

**VII. Linkage between execution procedures and bankruptcy proceedings**

The effective link between execution procedures and bankruptcy procedures is a powerful step in advancing bankruptcy trials in an all-round way, and it is also an important measure to crack down on the “law enforcement difficulty”. The courts at all levels in the country must profoundly understand the significance of the execution of bankruptcy transfer work, and vigorously promote enforcement cases that meet bankruptcy conditions, including enforcement of cases that cannot be entered into bankruptcy proceedings and give full play to the institutional value of bankruptcy proceedings.

**40. Execute the court's review of the notice, obligation to explain and transfer duties.** The executive department must attach great importance to the connection between implementation and bankruptcy, and promote the transfer of eligible execution cases to bankruptcy procedures. If the enforcement court finds that the corporate entity as the executed person complies with the provisions of Article 2 of the Enterprise Bankruptcy Law, it shall promptly inquire whether the parties agree to transfer the case to bankruptcy examination and explain the legal consequences. After the enforcement court makes a transfer decision, it shall notify all known enforcement courts with written notice and the enforcement court shall suspend the execution procedure for the executed person.

**41. Transfer and receipt of cases transferred to bankruptcy.** The enforcement courts and the transferred courts should strengthen coordination and cooperation in the transfer process to enhance the effectiveness of the work. When transferring the case, the enforcement court shall ensure that the material is complete, and the content and form conform to the provisions. The transferred court shall carefully review and give timely feedback, and shall not refuse to accept or postpone filing for no reason.

**42. The removal of sealing measures or the transfer of sealed assets after the acceptance of bankruptcy cases.** After the enforcement court receives the bankruptcy acceptance ruling, it shall relieve the measures for seizure, detainment and freezing of the debtor’s property; or issue a letter to transfer the disposal right of seizure, detainment and freezing of the property to the bankruptcy acceptance court, upon the request. The bankruptcy acceptance court may hold the enforcement court's letter of transfer and disposal to proceed with the seizure, detainment, freezing, relieve the seizure, detainment and freezing, or dispose of them.

If the enforcement court receives a bankruptcy acceptance ruling and refuses to relieve the measures of seizure, detainment or freezing, the bankruptcy acceptance court may request the superior court of the enforcement court to correct it according to law.

**43. Sharing of information between the bankruptcy court and the executive branch.** The bankruptcy acceptance court can use the execution and inspection control system to check the debtor’s property and improve the efficiency of the bankruptcy trial. The enforcement department should cooperate.

The local courts should establish the concept of synchronization of online and offline legal procedures, gradually implement online transfer of enforcement cases that meet the conditions for transfer, enhance the transparency of the transfer work, and improve the efficiency of related work such as case transfer, notification, delivery, and communication and coordination.

**44. Strengthen the assessment and management of the transfer of bankruptcy work.** Courts at all levels must combine the actual work to establish an assessment mechanism for the implementation of bankruptcy transfer work, scientifically set up assessment targets, and promote the implementation of bankruptcy transfers. Those who should have consulted the parties concerned without consulting, should have submitted for review without submitting, the transferred court violating the relevant regulations and refusing to accept bankruptcy transfer material for execution or filing, shall not only be included in the performance appraisal and performance appraisal system, but also be openly informed and traced responsibilities of related personnel seriously.

**VIII. Construction of bankruptcy information**

The meeting held that the national courts must further strengthen the informatization of bankruptcy trials, improve the transparency and credibility of bankruptcy cases, enhance the effectiveness of bankruptcy case trials, and promote the reorganization and regeneration of enterprises.

**45. Give full play to the impetus of bankruptcy and reorganization case information platform to bankruptcy trial work.** Courts at all levels shall, in accordance with the relevant provisions of the Supreme People's Court, regulate the examination of bankruptcy cases through the bankruptcy and reorganization case information platform, and be open entirely. It is necessary to further strengthen the information statistics and data retrieval functions of the information network, analyze and judge the bankruptcy cases of enterprises, find new situations in a timely manner, solve new problems, and improve the trial level of bankruptcy cases.

**46. Constantly intensify the disclosure of information in bankruptcy and reorganization cases.** It is necessary to increase the public content of the debtor’s corporate information, attract potential investors, promote the free flow and effective allocation of capital, technology, and management capabilities, and help the company reorganize and regenerate. It is necessary to ensure that creditors and other interested parties promptly and fully understand the progress of the case and the relevant financial affairs of the debtors, the draft of the reorganization plan, and the implementation of the reorganization plan, and maintain the right to know and the right to participate in proceedings of creditors and other interested parties.

**47. Use information technology to improve the quality and efficiency of bankruptcy case processing.** It is necessary to adapt to the development trend of informatization, actively guide the disposal of bankruptcy assets through online auctions, and improve the disposal benefits of bankruptcy assets. It is necessary to encourage and standardize the meeting of creditors through the Internet, improve efficiency, reduce bankruptcy expenses, and ensure that creditors and other entities participate in bankruptcy proceedings.

**48. Give full play to the pivotal role of the people's court's bankruptcy and reorganization case information network.** It is necessary to continuously improve and promote the use of bankruptcy and reorganization case information network, and to ensure that incremental data is entered into the information network in a timely manner. At the same time, the relevant inventory data should be filled in quickly to establish the pivotal position of the information network in corporate bankruptcy big data, and exert the promotion and exchange function of the information network, and expand the enthusiasm of all parties to use the information network.

**IX. Cross-border bankruptcy**

**49. The principle of cross-border bankruptcy and reciprocity.** When handling cross-border insolvency cases, the people's court must properly resolve the legal conflicts and contradictions in cross-border insolvency and reasonably determine the jurisdiction in cross-border insolvency cases. Under the principle of equal protection of similar claims, the balance between the interests of foreign creditors and the interests of creditors in China should be well-coordinated, and reasonable claims such as domestic workers’ claims and tax claims should be protected. Actively participate in and promote the negotiation and signing of international treaties on cross-border insolvency, explore new ways to apply the principle of reciprocity, strengthen the cooperation between courts and managers in cross-border insolvency, and promote the healthy and orderly development of international investment.

**50. Protection of rights and balance of interests in cross-border bankruptcy cases.** In accordance with the provisions of Article 5 of the Enterprise Bankruptcy Law, cross-border bankruptcy cooperation is carried out. After the people’s court has confirmed the judgment or ruling of the bankruptcy case made by the foreign court, the debtor’s property in the People’s Republic of China will remain after fully paying off the priority of the domestic security right holder, employee’s claims, social insurance fees, delinquent taxes, etc. The property may be allocated in accordance with the provisions of the foreign court.