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# The Dilemma and Solution of Service of Process in Foreign-Related Civil and Commercial Cases

*Civil Procedure Law*

LUO Tianxuan

**Abstract:** The service of process in foreign-related civil and commercial cases not only has to face the difficulties that exist in the service of process on the mainland, but also suffers from the complexity of the procedure for assisting in the service, the difficulty of service, and the longer service cycle. It is affected not only by the willingness of the parties to cooperate, but also by the differences in litigation concepts between different jurisdictions and the imperfections of legal provisions. This amendment to the *Civil Procedure Law* added the connection point of confirmation of service in Article 283, which will release the pressure on mainland of Chinese courts to serve foreign parties, but the fundamental problem has still not been solved. It is necessary to redistribute the cost, responsibility and risk burden of service between the parties and the court in accordance with the partyism litigation mode, so that the parties can assume part of the civil service responsibility. At the same time, we should give full play to the efficient and convenient features of electronic service, solve the problems of service in foreign-related cases, and improve our ability to deal with disputes in foreign-related civil and commercial cases as well as our level of judicial service.

**Keywords:** Foreign-Related Case; Service; Parties; Duty of Service