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## Interpretation of the Supreme People's Court on Several Issues Concerning the Application of "Administrative Litigation Law of the People's Republic of China"

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**Interpretation of the Supreme  
People’s Court on Several  
Issues Concerning the  
Application of “Administrative  
Litigation Law of the People’s  
Republic of China”**

最高人民法院关于适用《中  
华人民共和国行政诉讼法》  
若干问题的解释

**Translated by  
Benjamin Minhao Chen<sup>1</sup> and  
Zhiyu Li<sup>2</sup>.**

(Interpretation No. 9 [2015] of the Supreme People’s Court, adopted at the 1648th meeting of the Judicial Committee of the Supreme People’s Court on April 20, 2015; effective as of the date May 1, 2015)

(2015 年 4 月 20 日最高人民法院  
审判委员会第 1648 次会议通过  
法释 [2015] 9 号)

For the proper application of the “Administrative Litigation Law of the People’s Republic of China” amended at the 11th session of the Standing Committee of the Twelfth National People’s Congress, in consideration of the actual circumstances of the people’s courts, the interpretation on the application of the relevant provisions is hereby issued as follows:

为正确适用第十二届全国人民代  
表大会常务委员会第十一次会议  
决定修改的《中华人民共和国行  
政诉讼法》，结合人民法院行政  
审判工作实际，现就有关条款的  
适用问题解释如下：

**Article 1** A people’s court shall docket cases meeting the conditions for filing a complaint and follow the

**第一条** 人民法院对符合起诉  
条件的案件应当立案，依法保障

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law to safeguard the parties' procedural rights. 当事人行使诉讼权利。

In regard to a complaint filed by the parties according to the law, a people's court shall, in accordance with Article 51 of the "Administrative Litigation Law of the People's Republic of China," accept the written complaint without exception. If it can be determined that the conditions for filing a complaint have been met, the case shall be immediately docketed. If it cannot be immediately determined whether a complaint meets the conditions for filing a complaint, the people's court shall decide whether to docket the case within seven days of receiving the complaint; if the people's court remains unable to determine whether the complaint meets the conditions for filing a complaint within seven days, it shall first docket the case.

对当事人依法提起的诉讼，人民法院应当根据行政诉讼法第五十一条的规定，一律接收起诉状。能够判断符合起诉条件的，应当当场登记立案；当场不能判断是否符合起诉条件的，应当在接收起诉状后七日内决定是否立案；七日内仍不能作出判断的，应当先予立案。

If the contents or materials of a complaint are incomplete, a people's court shall comprehensively notify the parties of all necessary supplements, corrections and time limits at the same time. A people's court shall docket the case if the supplements and corrections are timely submitted and the conditions for filing a complaint are met. If the parties refuse to submit the supplements and corrections or the conditions for filing a complaint are still not met with the supplements and

起诉状内容或者材料欠缺的，人民法院应当一次性全面告知当事人需要补正的内容、补充的材料及期限。在指定期限内补正并符合起诉条件的，应当登记立案。当事人拒绝补正或者经补正仍不符合起诉条件的，裁定不予立案，并载明不予立案的理由。

corrections, the people's court shall rule against docketing the case and record the reasons for not docketing it.

Parties dissatisfied with a ruling not to docket the case may file an appeal.

当事人对不予立案裁定不服的，可以提起上诉。

**Article 2** The “specific claims” in Section 3 of Article 49 of “Administrative Litigation Law of the People’s Republic of China” refers to:

**第二条** 行政诉讼法第四十九条第三项规定的“有具体的诉讼请求”是指：

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>1) Requesting a ruling revoking or modifying administrative acts;</li> <li>2) Requesting a ruling ordering an administrative agency to perform its statutory duties or payment obligations;</li> <li>3) Requesting a ruling determining an administrative act to be illegal;</li> <li>4) Requesting a ruling determining an administrative act to be invalid;</li> <li>5) Requesting a ruling ordering an administrative agency to pay damages or compensation;</li> <li>6) Requesting a ruling resolving disputes over administrative agreements;</li> <li>7) Requesting concurrent review of regulatory documents inferior to administrative rules;</li> <li>8) Requesting concurrent resolution of related civil disputes;</li> <li>9) Other claims.</li> </ol> | <ol style="list-style-type: none"> <li>(一) 请求判决撤销或者变更行政行为；</li> <li>(二) 请求判决行政机关履行法定职责或者给付义务；</li> <li>(三) 请求判决确认行政行为违法；</li> <li>(四) 请求判决确认行政行为无效；</li> <li>(五) 请求判决行政机关予以赔偿或者补偿；</li> <li>(六) 请求解决行政协议争议；</li> <li>(七) 请求一并审查规章以下规范性文件；</li> <li>(八) 请求一并解决相关民事争议；</li> <li>(九) 其他诉讼请求。</li> </ol> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

A people's court shall offer guidance and explanation if the parties are unable to express their exact claims.

当事人未能正确表达诉讼请求的，人民法院应当予以释明。

**Article 3** If a case has been docketed, a people's court shall issue a ruling dismissing the complaint if one of the following circumstances is met:

**第三条** 有下列情形之一的，已经立案的，应当裁定驳回起诉：

- 1) Complaint does not meet the requirements prescribed in Article 49 of "Administrative Litigation Law of the People's Republic of China;" (一) 不符合行政诉讼法第四十九条规定的；
- 2) The statute of limitation has run and there is no good cause; (二) 超过法定起诉期限且无正当理由的；
- 3) The plaintiff makes a mistake with respect to the defendant's identity and refuses to amend; (三) 错列被告且拒绝变更的；
- 4) The legal representatives, appointed representatives, and representatives litigated on behalf of the parties without following the law; (四) 未按照法律规定由法定代理人、指定代理人、代表人为诉讼行为的；
- 5) Complaint was filed without first applying to the administrative agency for reconsideration as prescribed by the law; (五) 未按照法律、法规规定先向行政机关申请复议的；
- 6) Repeated claims; (六) 重复起诉的；
- 7) Refiling a withdrawn complaint without a good cause; (七) 撤回起诉后无正当理由再行起诉的；
- 8) The administrative action clearly does not have any actual impact on lawful rights and interests of the parties; (八) 行政行为对其合法权益明显不产生实际影响的；
- 9) The subject matter of the case (九) 诉讼标的已为生效裁判所羁束的 (十) 不符合其他法定起诉条件的。

is subject to a judgment that has already come into effect;

- 10) Complaint does not meet other statutory conditions for filing a complaint.

A people's court may issue a ruling summarily dismissing a complaint if, after reviewing the case file, conducting investigation, and questioning the parties, it determines that there is no need for a trial.

人民法院经过阅卷、调查和询问当事人，认为不需要开庭审理的，可以径行裁定驳回起诉。

**Article 4** Under Section 1 of Article 47 of "Administrative Litigation Law of the People's Republic of China," a citizen, a legal person, or any other organization shall file a complaint against an administrative agency for the failure to perform its statutory duties and responsibilities within 6 months of the expiration date of the time limit for the performance of such statutory duties and responsibilities.

**第四条** 公民、法人或者其他组织依照行政诉讼法第四十七条第一款的规定，对行政机关不履行法定职责提起诉讼的，应当在行政机关履行法定职责期限届满之日起六个月内提出。

**Article 5** "The people in charge of an administrative agency" in Section 3 of Article 3 of "Administrative Litigation Law of the People's Republic of China," includes the head and vice head of an administrative agency. The person in charge appearing before the court may retain one or two persons as litigation representatives.

**第五条** 行政诉讼法第三条第三款规定的“行政机关负责人”，包括行政机关的正职和副职负责人。行政机关负责人出庭应诉的，可以另行委托一至二名诉讼代理人。

**Article 6** “The reconsideration agency’s decision sustains the original administrative action” in Section 2 of Article 26 of “Administrative Litigation Law of the People’s Republic of China,” includes the reconsideration agency’s dismissal of an application or request for reconsideration, unless the dismissal is based on the application for reconsideration not meeting the conditions for being accepted for reconsideration.

“The reconsideration agency’s decision modifies the original administrative action” in section 2 of Article 26 of “Administrative Litigation Law of the People’s Republic of China,” refers to the reconsideration agency modifying the outcome of the original administrative action.

**Article 7** If the reconsideration agency’s decision sustains the original administrative action, the administrative agency taking the original administrative action and the reconsideration agency shall be co-defendants. If the plaintiff only sues the administrative agency taking the original administrative action or the reconsideration agency, a people’s court shall notify the plaintiff to add the co-defendant. If the plaintiff refuses to add the co-defendant, a people’s court shall name the other agency as a co-defendant.

**第六条** 行政诉讼法第二十六条第二款规定的“复议机关决定维持原行政行为”，包括复议机关驳回复议申请或者复议请求的情形，但以复议申请不符合受理条件为由驳回的除外。

行政诉讼法第二十六条第二款规定的“复议机关改变原行政行为”，是指复议机关改变原行政行为的处理结果。

**第七条** 复议机关决定维持原行政行为的，作出原行政行为的行政机关和复议机关是共同被告。原告只起诉作出原行政行为的行政机关或者复议机关的，人民法院应当告知原告追加被告。原告不同意追加的，人民法院应当将另一机关列为共同被告。

**Article 8** If the administrative agency taking the original administrative action and the reconsideration agency are co-defendants, hierarchical jurisdiction shall be determined based on the level of the administrative agency taking the original administrative action.

**第八条** 作出原行政行为的行政机关和复议机关为共同被告的，以作出原行政行为的行政机关确定案件的级别管辖。

**Article 9** If the reconsideration agency's decision sustains the original administrative action, a people's court shall, while reviewing the legality of the original administrative action, concurrently review the legality of the reconsideration procedure.

**第九条** 复议机关决定维持原行政行为的，人民法院应当在审查原行政行为合法性的同时，一并审查复议程序的合法性。

The administrative agency taking the original administrative action and the reconsideration agency shall jointly bear the burden of proof on the legality of the original administrative action; either one of both agencies may undertake the task of such proof. The reconsideration agency shall have the burden of proof on the legality of the reconsideration procedure.

作出原行政行为的行政机关和复议机关对原行政行为合法性共同承担举证责任，可以由其中一个机关实施举证行为。复议机关对复议程序的合法性承担举证责任。

**Article 10** A people's court shall, at the same time that it rules on the original administrative action, concurrently enter a ruling on the reconsideration decision.

**第十条** 人民法院对原行政行为作出判决的同时，应当对复议决定一并作出相应判决。

If a people's court enters a ruling to revoke the original administrative

人民法院判决撤销原行政行为和复议决定的，可以判决作出原行



action and the reconsideration decision, it may enter a ruling to order the administrative agency that took the original administrative action to take a new administrative action.

A people's court shall, while entering a ruling requiring the administrative agency taking the original administrative action to perform its statutory duties and payment obligations, concurrently enter a ruling to revoke the reconsideration decision.

If an original administrative action is legal but the reconsideration decision violates statutory procedures, a people's court shall enter a ruling to confirm the illegality of the reconsideration decision while dismissing the plaintiff's claims against the original administrative action.

If an original administrative action that has been revoked or determined to be illegal or invalid causes the plaintiff losses, the administrative agency taking the original administrative action shall bear responsibility for compensating such losses; if the plaintiff's losses were caused by the illegality of reconsideration procedures, the reconsideration agency shall bear responsibility for compensating such losses.

政行为的行政机关重新作出行政行为。

人民法院判决作出原行政行为的行政机关履行法定职责或者给付义务的，应当同时判决撤销复议决定。

原行政行为合法、复议决定违反法定程序的，应当判决确认复议决定违法，同时判决驳回原告针对原行政行为的诉讼请求。

原行政行为被撤销、确认违法或者无效，给原告造成损失的，应当由作出原行政行为的行政机关承担赔偿责任；因复议程序违法给原告造成损失的，由复议机关承担赔偿责任。

**Article 11** If an administrative agency, to advance the public interest or the goals of administrative governance, and in the scope of its statutory duties, consultatively enters into an agreement with citizens, legal persons, or other organizations that pertains to their rights and duties under administrative law, such agreement shall be deemed an “administrative agreement” as set out in the clause 11 of section 1 of Article 12 of “Administrative Litigation Law of the People’s Republic of China.”

**第十一条** 行政机关为实现公共利益或者行政管理目标，在法定职责范围内，与公民、法人或者其他组织协商订立的具有行政法上权利义务内容的协议，属于行政诉讼法第十二条第一款第十项规定的行政协议。

The people’s courts shall accept complaints filed by citizens, legal persons, or other organizations regarding the following administrative agreements:

公民、法人或者其他组织就下列行政协议提起行政诉讼的，人民法院应当依法受理：

- 1) Government concession agreements;
- 2) Compensation agreements regarding land and building expropriation and requisition;
- 3) Other administrative agreements.

- （一）政府特许经营协议；
- （二）土地、房屋等征收征用补偿协议；
- （三）其他行政协议。

**Article 12** For a complaint filed by citizens, legal persons, or other organizations claiming that the administrative agency has failed to perform according to the law or according to an agreement, refer to the relevant civil law provisions regarding the time limit for filing a complaint; for a complaint claiming that the administrative agency has

**第十二条** 公民、法人或者其他组织对行政机关不依法履行、未按照约定履行协议提起诉讼的，参照民事法律规范关于诉讼时效的规定；对行政机关单方变更、解除协议等行为提起诉讼的，适用行政诉讼法及其司法解释关于起诉期限的规定。

unilaterally modified or rescinded an agreement, apply the relevant provisions regarding the time limit for filing a complaint prescribed in “Administrative Litigation Law of the People’s Republic of China” and its judicial interpretation.

**Article 13** In cases involving administrative agreements, a people’s court shall use the “Administrative Litigation Law of the People’s Republic of China” and its judicial interpretations to determine jurisdiction.

**Article 14** The people’s court that reviews whether an administrative agency has failed to perform according to the law or according to an agreement or whether the agency has unilaterally and illegally modified or rescinded an agreement may, while applying the administrative law provisions, apply civil law provisions that do not violate administrative law or the compulsory provisions of the “Administrative Litigation Law of the People’s Republic of China.”

**Article 15** If the plaintiff claims, based on valid reason, that the defendant has failed to perform according to the law or according to an agreement, or has unilaterally and illegally modified or rescinded an agreement, a people’s court may,

**第十三条** 对行政协议提起诉讼的案件，适用行政诉讼法及其司法解释的规定确定管辖法院。

**第十四条** 人民法院审查行政机关是否依法履行、按照约定履行协议或者单方变更、解除协议是否合法，在适用行政法律规范的同时，可以适用不违反行政法和行政诉讼法强制性规定的民事法律规范。

**第十五条** 原告主张被告不依法履行、未按照约定履行协议或者单方变更、解除协议违法，理由成立的，人民法院可以根据原告的诉讼请求判决确认协议有效、判决被告继续履行协议，并明确

based on the plaintiff's claims, enter a ruling affirming the validity of the agreement and requiring the defendant to continue to perform the agreement, and the substantive content of further performance shall be specified in the ruling; if the defendant is unable to continue to perform or further performance would be futile, the people's court shall enter a ruling requiring the defendant to take appropriate remedial measures; if the plaintiff has thereby suffered losses, the people's court shall enter a ruling requiring the defendant to compensate such losses.

继续履行的具体内容；被告无法继续履行或者继续履行已无实际意义的，判决被告采取相应的补救措施；给原告造成损失的，判决被告予以赔偿。

If the plaintiff has a valid reason for seeking rescission or confirmation of the invalidity of an agreement, the people's court shall enter a ruling to rescind the agreement or confirm the invalidity of the agreement and render a disposition in accordance with the relevant law, such as contract law.

原告请求解除协议或者确认协议无效，理由成立的，判决解除协议或者确认协议无效，并根据合同法等相关法律规定作出处理。

If the plaintiff's losses are caused by the defendant's unilateral modification or rescindment of the agreement based on the needs of public interest or other statutory reasons, the people's court shall enter a ruling requiring the defendant to compensate such losses.

被告因公共利益需要或者其他法定理由单方变更、解除协议，给原告造成损失的，判决被告予以补偿。

**Article 16** If the complaint is filed against an administrative agency that has failed to perform according to the

**第十六条** 对行政机关不依法履行、未按照约定履行协议提起诉

law or according to an agreement, the court fees shall be measured according to the standard of court fees for civil cases; if the complaint is filed against an administrative agency that has unilaterally modified or rescinded the agreement, the court fees shall be measured according to the standard of court fees for administrative cases.

讼的，诉讼费用准用民事案件交纳标准；对行政机关单方变更、解除协议等行为提起诉讼的，诉讼费用适用行政案件交纳标准。

**Article 17** Citizens, legal persons and other organizations requesting a concurrent adjudication of a civil dispute case as defined in Article 61 of the “Administrative Litigation Law of the People’s Republic of China” should raise the issue before the first instance of trial; it may also be raised during court investigation if there is good cause.

**第十七条** 公民、法人或者其他组织请求一并审理行政诉讼法第六十一条规定的相关民事争议，应当在第一审开庭审理前提出；有正当理由的，也可以在法庭调查中提出。

Under any of the following circumstances, a people’s court shall decline to concurrently adjudicate civil disputes and inform the parties that they may seek other avenues to vindicate their rights, in accordance with the law:

有下列情形之一的，人民法院应当作出不予准许一并审理民事争议的决定，并告知当事人可以依法通过其他渠道主张权利：

- (1) The law provides that the administrative agency must first handle the dispute;
- (2) Concurrent adjudication of civil dispute violates the exclusive jurisdiction provisions of the Civil Procedure Law of the People’s Republic of China or a

- （一）法律规定应当由行政机关先行处理的；
- （二）违反民事诉讼法专属管辖规定或者协议管辖约定的；
- （三）已经申请仲裁或者提起民事诉讼的；

mutually agreed upon jurisdiction clause; (四) 其他不宜一并审理的民事争议。

(3) Application for arbitration or civil litigation is pending;

(4) Concurrent adjudication of civil dispute involves other civil disputes that are not amenable to concurrent adjudication.

The parties may apply once for reconsideration of a decision not to allow concurrent adjudication. 对不予准许的决定可以申请复议一次。

**Article 18** When concurrently adjudicating a civil dispute and an administrative case, a people's court should docket the civil dispute separately, and for adjudication by the same bench. **第十八条** 人民法院在行政诉讼中一并审理相关民事争议的，民事争议应当单独立案，由同一审判组织审理。

A people's court adjudicating a case involving the resolution of a civil dispute by an administrative agency shall not docket it separately, if the people's court concurrently adjudicates the civil dispute. 审理行政机关对民事争议所作裁决的案件，一并审理民事争议的，不另行立案。

**Article 19** A people's court concurrently adjudicating a civil dispute should apply the relevant civil law provisions unless otherwise provided by law. **第十九条** 人民法院一并审理相关民事争议，适用民事法律规范的相关规定，法律另有规定的除外。

The parties' disposition of their civil rights and interests in the course of mediation shall not be the basis for 当事人在调解中对民事权益的处分，不能作为审查被诉行政行为

reviewing the legality of the challenged administrative action. 合法性的根据。

Administrative disputes and civil disputes should be separately judged. If a party only appeals the administrative judgment or the civil judgment, the judgment that is not appealed takes legal effect upon expiration of the term for appeal. The people's court of the first instance should transfer the whole record to the people's court of the second instance for review by the administrative division. If the people's court of second instance discovers a mistake in an unappealed judgment that has already taken effect, it should retry the case according to the trial supervision procedure.

行政争议和民事争议应当分别裁判。当事人仅对行政裁判或者民事裁判提出上诉的，未上诉的裁判在上诉期满后即发生法律效力。第一审人民法院应当将全部案卷一并移送第二审人民法院，由行政审判庭审理。第二审人民法院发现未上诉的生效裁判确有错误的，应当按照审判监督程序再审。

**Article 20** Citizens, legal persons, and other organizations requesting a people's court to concurrently review a "regulatory document" as set out in Article 53 of the "Administrative Litigation Law of the People's Republic of China" should raise the issue before the first instance of trial; it may also be raised during court investigation if there is good cause.

**第二十条** 公民、法人或者其他组织请求人民法院一并审查行政诉讼法第五十三条规定的规范性文件，应当在第一审开庭审理前提出；有正当理由的，也可以在法庭调查中提出。

**Article 21** A people's court shall not rely on an illegal regulatory document to determine the legality of an administrative action and shall state so in its legal reasoning. A

**第二十一条** 规范性文件不合法的，人民法院不作为认定行政行为合法的依据，并在裁判理由中予以阐明。作出生效裁判的人



people's court issuing an effective ruling shall provide the enacting authority of the regulatory document with recommendations and may also send copies to the people's government at the corresponding level or the administrative agency at the level immediately above.

**Article 22** If a plaintiff's claim against a defendant's failure to perform its statutory duties and responsibilities is valid, and the defendant either refuses to perform or fails, without reason, to reply within the time limit, a people's court may, in accordance with Article 72 of the "Administrative Litigation Act of the People's Republic of China," rule that the defendant performs, in a specified time, the statutory duties or responsibilities requested by the plaintiff; if it is necessary for the defendant to investigate or exercise discretion, the people's court should order the defendant to render a new disposition based on the plaintiff's request.

**Article 23** If the plaintiff has a valid reason for requesting the defendant to perform a duty to pay pension, minimum subsistence, or social insurance benefits according to the law, and the defendant has failed to perform or delayed the performance of its statutory duties to pay without a good cause, the people's court may,

民法院应当向规范性文件的制定机关提出处理建议, 并可以抄送制定机关的同级人民政府或者上一级行政机关。

**第二十二条** 原告请求被告履行法定职责的理由成立, 被告违法拒绝履行或者无正当理由逾期不予答复的, 人民法院可以根据行政诉讼法第七十二条的规定, 判决被告在一定期限内依法履行原告请求的法定职责; 尚需被告调查或者裁量的, 应当判决被告针对原告请求重新作出处理。

**第二十三条** 原告申请被告依法履行支付抚恤金、最低生活保障待遇或者社会保险待遇等给付义务的理由成立, 被告依法负有给付义务而拒绝或者拖延履行义务且无正当理由的, 人民法院可以根据行政诉讼法第七十三条的规定, 判决被告在一定期限内履



in accordance with the Article 73 of “Administrative Litigation Law of the People’s Republic of China,” enter a ruling requiring the defendant to perform its payment obligations within a specified period.

**Article 24** The plaintiff should apply for a retrial by the people’s court at the next higher level within six months of the judgment, ruling, or consent judgment taking legal effect. Under one of the following circumstances, a party may raise within six months of actual or constructive knowledge:

- (1) That there is new evidence sufficient to overturn the original judgment or ruling
- (2) That the facts determined to be true by the original judgment or ruling were fabricated
- (3) That the legal instrument on which the original judgment or ruling was based has been annulled or modified
- (4) That the judge in trying the case accepted bribes, practiced favoritism, or bent the law

**Article 25** Under one of the following circumstances, a party may petition the people’s procuratorate to raise appeals or make procuratorial recommendations:

- (1) A people’s court dismisses an application for retrial;

行相应的给付义务。

**第二十四条** 当事人向上一级人民法院申请再审，应当在判决、裁定或者调解书发生法律效力后六个月内提出。有下列情形之一的，自知道或者应当知道之日起六个月内提出：

- (一) 有新的证据，足以推翻原判决、裁定的；
- (二) 原判决、裁定认定事实的主要证据是伪造的；
- (三) 据以作出原判决、裁定的法律文书被撤销或者变更的；
- (四) 审判人员审理该案件时有贪污受贿、徇私舞弊、枉法裁判行为的。

**第二十五条** 有下列情形之一的，当事人可以向人民检察院申请抗诉或者检察建议：

- (一) 人民法院驳回再审申请

- (2) A people's court has not ruled on an application for retrial within the prescribed time limit;
- (3) The judgment or ruling of the retrial is clearly erroneous.
- 的；  
（二）人民法院逾期未对再审申请作出裁定的；  
（三）再审判决、裁定有明显错误的。

A people's court shall not docket another application for a retrial made by the parties after the people's court has already issued a judgment or ruling based on a counter appeal or a procuratorial recommendation.

人民法院基于抗诉或者检察建议作出再审判决、裁定后，当事人申请再审的，人民法院不予立案。

**Article 26** The time limit for filing a complaint as prescribed in the amended "Administrative Litigation Law of the People's Republic of China" shall apply to all claims whose statutes of limitation have not expired before May 1, 2015.

**第二十六条** 2015年5月1日前起诉期限尚未届满的，适用修改后的行政诉讼法关于起诉期限的规定。

The time limit for trying a case as prescribed in the pre-amended "Administrative Litigation Law of the People's Republic of China" shall apply to all claims pending before May 1, 2015. Procedural matters that have been completed according to the pre-amended "Administrative Litigation Law of the People's Republic of China" shall nevertheless be effective.

2015年5月1日前尚未审结案件的审理期限，适用修改前的行政诉讼法关于审理期限的规定。依照修改前的行政诉讼法已经完成的程序事项，仍然有效。

For an application for retrial by parties dissatisfied with a judgment, ruling or administrative compensation mediation document taking legal affect before May 1, 2015, or a retrial

对2015年5月1日前发生法律效力

by a people's court in accordance with trial supervision procedure, apply the procedural requirements set out in the amended "Administrative Litigation Law of the People's Republic of China." 序性规定适用修改后的行政诉讼法的规定。

**Article 27** If there are inconsistencies between previous interpretations promulgated by the Supreme People's Court and this interpretation, this interpretation shall govern. **第二十七条** 最高人民法院以前发布的司法解释与本解释不一致的，以本解释为准。