SUPREMECOURT
SINGAPORE

SUPREME COURT
OF KOREA

MEMORANDUM OF GUIDANCE AS TO THE ENFORCEMENT OF MONEY JUDGMENTS

BETWEEN

THE SUPREME COURT OF THE REPUBLIC OF SINGAPORE

AND

THE SUPREME COURT OF THE REPUBLIC OF KOREA

Introduction

1. The purpose of this Memorandum of Guidance ("MOG") is to set out the understanding of the Supreme Court of the Republic of Singapore and the Supreme Court of the Republic of Korea (hereinafter referred to individually as a "party" and collectively as the "parties") regarding procedures by which a money judgment of one party's court may be recognised and/or enforced in the other party's courts.

2. This MOG is concerned only with judgments requiring a person to pay a sum of money to another person ("money judgments"). It does not address non-money relief (including specific performance, declarations, or orders for delivery up), nor does it address the enforcement of criminal orders, fines or penalties.

3. This MOG does not create any binding legal obligations on the parties. It does not constitute a treaty or legislation, is not binding on the judicial officers of either party and does not supersede any existing or future laws, judicial decisions or court rules. It is not intended to be exhaustive and is not intended to create or alter any existing or future legal rights or relations or to create any binding arrangements for the reciprocal enforcement of each party's money judgments in the other party's courts.

4. The parties desire and believe that the cooperation demonstrated by this MOG will provide a mutual understanding of their laws and judicial processes and will improve public perception and understanding.

The Supreme Court of the Republic of Singapore

5. The Supreme Court of the Republic of Singapore is a superior court of law. It comprises the General Division of the Singapore High Court, the Appellate Division of the Singapore High Court and the Singapore Court of Appeal. The Singapore International Commercial Court is a division of the General Division of the Singapore High Court and part of the Supreme Court of the Republic of Singapore.

The Supreme Court of the Republic of Korea

6. The Supreme Court of the Republic of Korea is the highest court in the judicial branch and serves as the court of last resort. It reviews appeals from the High Courts, the Intellectual Property High Court, and appellate panels of District Courts in civil, criminal, administrative, insolvency, patent, domestic, and family cases. As the court of last resort, the Supreme Court ensures the consistent interpretation and application of laws and regulations. The District Courts or their Branch Courts generally act as courts of first instance for civil and commercial matters. Appellate Divisions of the District Courts or the High Courts serve as courts of second instance.

Part A: Enforcement in the Republic of Singapore of Money Judgments of the courts of the Republic of Korea

The requirements for enforcing judgments of the courts of the Republic of Korea in the Republic of Singapore

7. There is currently no treaty in place pursuant to which money judgments of the courts of the Republic of Korea ("**ROK Courts**") may be directly registered for enforcement in the courts of the Republic of Singapore ("**ROS Courts**"). In the absence of a relevant treaty, a money judgment of the ROK Courts may be generally enforced in the ROS Courts by filing an action at common law.

8. The approach of the ROS Courts is that where a foreign court of competent jurisdiction has given a final and conclusive money judgment, an obligation arises on the debtor to pay the judgment sum. The judgment creditor may bring an action at common law in Singapore to enforce that obligation as a debt.

9. For enforcement at common law, the money judgment of the ROK Courts should:

    a. be final and conclusive on the merits; and
    b. be for a fixed sum of money (or a sum that is readily ascertainable).

10. The ROS Courts will not enforce a foreign judgment which would amount to the direct or indirect enforcement of any foreign penal, revenue or other public law, or which

orders the person against whom the judgment was given to do anything other than the payment of the judgment sum.

11. The ROK Courts must have had jurisdiction, according to the conflict of laws rules determined to be applicable by the ROS Courts, to determine the dispute. In general terms, the ROS Courts will consider the ROK Courts as having had the requisite jurisdiction where the person against whom the judgment was given:

    a. was, at the time the Korean proceedings were commenced, present in or resident in the jurisdiction of the ROK Courts;
    b. was the claimant (or counterclaimant) in the Korean proceedings; or
    c. submitted to the jurisdiction of the ROK Courts.

12. Where the requirements in paragraphs [9] to [11] above are established to the satisfaction of the ROS Courts, a money judgment of the ROK Courts may be resisted in the ROS Courts only on limited grounds. These grounds include, but are not limited to:

    a. where the judgment was procured by fraud;
    b. where the enforcement of the judgment would be contrary to Singapore public policy; and
    c. where the proceedings in which the judgment was obtained were conducted in a manner which the ROS Courts regard as contrary to the principles of natural justice.

13. The ROS Courts will not re-examine the merits of a money judgment of the ROK Courts. The judgment may not be challenged on the grounds that it contains an error of fact or law. A judgment of the ROK Courts will be enforced on the basis that the judgment debtor has a legal obligation, recognised by the ROS Courts, to satisfy it.

The procedure for enforcement of money judgments of the courts of the Republic of Korea in the courts of the Republic of Singapore

14. In order to enforce a judgment of the ROK Courts in the competent ROS Courts, the judgment creditor must commence an action by filing an originating claim in the ROS Courts, that is endorsed with a concise description of the claim or with a statement of claim and claiming the amount of the judgment debt and interest (where applicable). An authenticated copy of the judgment should be exhibited to the originating claim. Where the judgment is not in English, it must be accompanied by a translation in the English language certified by a court interpreter or verified by an affidavit of a person qualified to translate the document.

15. A judgment creditor may obtain an authenticated copy of a judgment of the ROK Courts by filing an application for issuance (including online applications through the Electronic Case Filing System of the ROK Courts) pursuant to Article 162 of the Civil Procedure Act. In such cases, a certificate of finality and a certificate of service, which prove the finality and service of the judgment respectively, must also be obtained.

16. Where the judgment debtor is outside of Singapore, the judgment creditor will have to seek the approval of the ROS Courts to serve the originating claim out of Singapore, in accordance with Order 8 of the Singapore Rules of Court 2021. The application for approval is sought by filing a summons without notice, supported by an affidavit which must (among other things):

    a. exhibit an authenticated copy of the relevant ROK Courts judgment;
    b. state why the ROS Courts have the jurisdiction or are the appropriate court to hear the action;
    c. indicate in which country or place the judgment debtor is, or probably may be found; and
    d. indicate whether the validity of the originating claim needs to be extended.

    (see Order 8, rule 1(2) of the Singapore Rules of Court 2021).

17. If, after the judgment creditor has effected valid service, the judgment debtor fails to file and serve a notice of intention to contest or not contest within the prescribed time or states that the judgment debtor does not intend to contest all or some of the claims, the judgment creditor may apply for judgment to be given against the judgment debtor under Order 6 rule 6(5) of the Singapore Rules of Court 2021.

18. If the judgment debtor indicates an intention to contest all or some of the claims, the judgment debtor must file and serve a defence. If the judgment debtor fails to file and serve a defence within the prescribed time, the judgment creditor may apply for judgment in default of defence under Order 6 rule 7(7) of the Singapore Rules of Court 2021.

19. In most cases, after the defence is filed, a judgment creditor will file an application for summary judgment under Order 9 rule 17 of the Singapore Rules of Court 2021. The judgment creditor will generally be able to obtain summary judgment for the enforcement of a foreign judgment that meets the relevant requirements, unless the judgment debtor can show that there is a triable issue in relation to a defence, which include, but are not limited to, the grounds set out in paragraph [12] above. Applications for summary judgment are dealt with expeditiously, typically without the need for oral evidence.

20. If the claim is successful, the judgment creditor will obtain a Singapore judgment and may then use the enforcement methods available under Singapore law to enforce that Singapore judgment under the Singapore Rules of Court 2021.

Part B: Enforcement in the Republic of Korea of Money Judgments of the courts of the Republic of Singapore

The requirements for enforcing judgments of the courts of the Republic of Singapore in the courts of the Republic of Korea

21. Korea is not currently a contracting party to the Hague Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters (2019) or any other bilateral or multilateral conventions concerning the enforcement of foreign judgments. In the absence of such a framework, the enforcement of civil or commercial judgments from foreign jurisdictions is governed by the relevant provisions in the Korean Civil Procedure Act and the Korean Civil Execution Act. These laws also provide the legal basis for enforcing foreign monetary judgments in Korea.

22. The ROK Courts will render an enforcement judgment when a foreign judgment meets all the requirements stipulated in Article 217(1) of the Korean Civil Procedure Act.

    a. The judgment must be final and conclusive in accordance with the procedures of the relevant foreign law.
    b. The ROS Courts must have had jurisdiction. The international jurisdiction of the ROS Courts must be recognized under the principles of international jurisdiction pursuant to the laws or treaties of the Republic of Korea. The Act on Private International Law of the Republic of Korea sets out detailed grounds for international jurisdiction based on specific legal relationships.
    c. The defendant must have been properly served.
    d. Enforcement of the judgment must not violate the public policy of Korea.
    e. There must be a guarantee of reciprocity between the ROS Courts and the ROK Courts. This condition is satisfied if the ROS Courts would likely enforce Korean judgments under criteria not materially different from those applied in Korea.

    The ROK Courts are required to examine *ex officio* whether the above requirements are met. If a lawsuit seeking an enforcement judgment fails to meet these requirements, the court must dismiss the case.

23. The ROK Courts will not enforce a foreign judgment which would amount to the direct or indirect enforcement of any foreign penal, revenue or other public law, or which orders the person against whom the judgment was given to do anything other than the payment of the judgment sum.

24. Regarding proper service, the following requirements must have been met:

    a. The defeated defendant must have been served, by a lawful method, with a written complaint or document corresponding thereto, and notification of date or written order allowing sufficient time to defend (excluding service by public notice or similar service of process methods); or
    b. The defendant voluntarily responded to the lawsuit even without having been served such documents.

The procedure for enforcement of money judgments of the courts of the Republic of Singapore in the courts of the Republic of Korea

25. A plaintiff must first obtain an enforcement judgment (*exequatur*) from the ROK Courts in order to domestically enforce a foreign judgment. The ROK Courts have exclusive jurisdiction over the enforcement of judgments in the ROK (Article 10(1) (5) of the Korean Act on Private International Law).

26. A judgment creditor seeking an enforcement judgment may commence an action in a Korean district court that has general jurisdiction over the judgment debtor. Alternatively, if the courts lack general jurisdiction due to the absence of the debtor's domicile in Korea, the court located in the area where the judgment debtor's assets are situated will have jurisdiction (Article 11 of the Korean Civil Procedure Act). Even where the foreign judgment subject to enforcement concerns matters falling within the jurisdiction of the family court under the Korean Family Litigation Act, an action for an enforcement judgment thereof shall not fall within the jurisdiction of the family court.

27. Although proceedings for enforcement judgments are subject to the Korean civil procedure rules, foreign judgments are enforced without any review of their merits (*révision au fond*). The scope of review by ROK Courts is limited to the following matters:

    a. whether the foreign judgment has become final and conclusive;
    b. whether the requirements for recognition set forth in Article 217(1) of the Civil Procedure Act are satisfied.

    The court shall examine *ex officio* the requirements under (a) and (b).

28. Where it is not proven that the foreign judgment has become final and conclusive, or where the foreign judgment fails to satisfy the requirements for recognition under Article 217 of the Civil Procedure Act, the court shall dismiss the lawsuit seeking an enforcement judgment (See Article 27(2) of the Civil Execution Act). Conversely, where the requirements for an enforcement judgment are satisfied, the court shall permit the compulsory execution of the foreign judgment by issuing an enforcement judgment.

29. Unless there are substantial reasons not to declare provisional execution, the court shall declare *ex officio* that the enforcement judgment may be provisionally executed, with or without the provision of security.

Term of MOG

30. This MOG shall commence on the date it is signed by both parties. Either party may terminate this MOG by giving the other party six (6) months' notice in writing.

Variation of MOG

31. This MOG may be varied in writing and any such variation shall be signed by both parties.

Contacting the Courts

32. Further information about the Supreme Court of the Republic of Singapore can be obtained:
    a. by visiting the Singapore Judiciary website at https://www.judiciary.gov.sg; or
    b. by contacting the Registry of the Supreme Court of Singapore;
        i. at 1 Supreme Court Lane, Singapore 178879;
        ii. by telephone at +65 6587 8423 (6-JUSTICE); or
        iii. by email at supct_registry@judiciary.gov.sg.

33. Further information about the Supreme Court of the Republic of Korea can be obtained:
    a. by visiting the official website of the Courts of the Republic of Korea at https://www.scourt.go.kr; or
    b. by contacting the National Court Administration of the Republic of Korea;
        i. at 219 Seocho-daero, Seocho-gu, Seoul 06764, Republic of Korea;
        ii. by telephone at +82 2 3480 1100; or
        iii. by email at international@scourt.go.kr

34. This MOG is made in four originals, two in English and two in Korean language, all texts being equally authentic.

SIGNED this on September 16, 2026 by:

For and on behalf of the Supreme Court of the Republic of Singapore

Sundaresh Menon
Chief Justice
Republic of Singapore

For and on behalf of the Supreme Court of the Republic of Korea

JO Hee-de
Chief Justice
Republic of Korea