Arbitration Law of the PRC

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purpose of ensuring that economic disputes are arbitrated in a fair and timely manner, protecting the lawful rights and interests of the parties, and safeguarding the sound development of the socialist market economy.

Article 2 — The development of the arbitration cause shall implement the line, principles, policies, decisions and arrangements of the Communist Party of China and the State, serve the country's high-quality development and high-level opening up, foster a market-oriented, law-based and internationalized business environment, and play its role in resolving economic disputes.

Article 3 — Contractual disputes and other disputes over property rights and interests arising between natural persons, legal persons and unincorporated organizations as equal subjects may be submitted to arbitration.

The following disputes may not be submitted to arbitration:

(1) disputes arising from marriage, adoption, guardianship, support, and succession; and

(2) administrative disputes that shall be handled by administrative organs in accordance with law.

Article 4 — Where the parties choose to resolve a dispute by arbitration, they shall do so on the principle of voluntariness and reach an arbitration agreement. Where there is no arbitration agreement and one party applies for arbitration, the arbitration institution shall not accept the application.

Article 5 — Where the parties have reached an arbitration agreement and one party brings a lawsuit in a people's court, the people's court shall not accept the lawsuit, unless the arbitration agreement is invalid or the law provides otherwise.

Article 6 — An arbitration institution shall be selected by agreement of the parties.

Arbitration shall not be subject to jurisdiction by level or by territory.

Article 7 — Disputes shall be resolved through arbitration based on the facts, in accordance with the law, and in a fair and reasonable manner.

Article 8 — Arbitration shall follow the principle of good faith.

Article 9 — Arbitration shall be conducted independently in accordance with law and shall not be subject to interference by administrative organs, social organizations or individuals.

Article 10 — Arbitration shall apply the system of a single and final award. After an award is rendered, where a party applies for arbitration again over the same dispute or brings a lawsuit in a people's court, the arbitration institution or the people's court shall not accept the case.

Where an award is set aside or not enforced upon a ruling by a people's court in accordance with law, the parties may apply for arbitration over the dispute on the basis of a newly reached arbitration agreement, or may bring a lawsuit in a people's court.

Article 11 — Arbitration activities may be conducted online through information network platforms, unless the parties expressly indicate otherwise.

Arbitration activities conducted online through information network platforms shall have the same legal effect as offline arbitration activities.

Article 12 — The State supports arbitration institutions in strengthening exchanges and cooperation with overseas arbitration institutions and relevant international organizations, and in actively participating in the formulation of international arbitration rules.

Chapter II — Arbitration Institutions, Arbitrators and the Arbitration Association

Article 13 — Arbitration institutions may be established in municipalities directly under the Central Government and in the cities where the people's governments of provinces or autonomous regions are located, and may also be established in other cities divided into districts as needed. They shall not be established at every level in accordance with administrative divisions.

Arbitration institutions shall be established jointly by the people's governments of the cities specified in the preceding paragraph together with the relevant departments and chambers of commerce, and shall be public-welfare non-profit legal persons.

Article 14 — An arbitration institution established in accordance with Article 13 of this Law shall be registered with the judicial administrative department of the people's government of the province, autonomous region or municipality directly under the Central Government.

An arbitration institution established by the China Chamber of International Commerce upon approval by the State Council shall be filed with the judicial administrative department of the State Council for the record.

Specific measures for the registration administration of arbitration institutions shall be formulated by the State Council.

Article 15 — An arbitration institution shall meet the following conditions:

(1) having its own name, domicile and charter;

(2) having the necessary property;

(3) having component personnel who meet the requirements of this Law; and

(4) having appointed arbitrators.

The charter of an arbitration institution shall be formulated in accordance with this Law.

Article 16 — Where an arbitration institution changes its name, domicile, charter, legal representative or component personnel, it shall submit an application and undergo change registration in accordance with law.

Article 17 — Where an arbitration institution is terminated, deregistration shall be handled in accordance with law.

Article 18 — The component personnel of an arbitration institution shall include one chairperson, two to four vice-chairpersons, and seven to eleven members.

The component personnel of an arbitration institution shall be assumed by experts in law, economics and trade, science and technology, and persons with practical work experience. Among the component personnel of an arbitration institution, experts in law, economics and trade, science and technology shall account for no less than two-thirds.

The term of office of the component personnel of an arbitration institution shall be five years for each term; upon expiry of the term, a new term shall be formed in accordance with law, with no less than one-third of the component personnel replaced.

Article 19 — An arbitration institution shall, in accordance with laws, regulations and its charter, establish and improve its internal governance structure, and clarify the duties, powers and procedures for decision-making, execution and supervision.

An arbitration institution shall establish and improve systems for democratic deliberation, personnel management, fee and financial management, document management, and complaint handling.

An arbitration institution shall strengthen supervision over its component personnel, staff and arbitrators, and shall promptly investigate and handle in accordance with law any violations of law or discipline in their

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arbitration activities; where legal liability needs to be pursued, the matter shall be promptly transferred to the relevant organs for handling.

Article 20 — An arbitration institution shall establish an information disclosure system, promptly disclosing to the public its charter, registration and filing, arbitration rules, panel of arbitrators, service procedures, fee standards, annual business reports and financial reports, and shall voluntarily accept social supervision.

Article 21 — Arbitrators appointed by an arbitration institution shall be fair and upright, possess good professional competence, be diligent and responsible, clean and honest, and strictly observe professional ethics.

Article 22 — An arbitrator shall meet one of the following conditions:

(1) having passed the national unified legal profession qualification examination and obtained legal profession qualification, and having been engaged in arbitration work for eight years or more;

(2) having practiced as a lawyer for eight years or more;

(3) having served as a judge or procurator for eight years or more;

(4) being engaged in legal research or teaching and holding a senior professional title; or

(5) having legal knowledge and being engaged in professional work in law, economics and trade, maritime affairs, science and technology, and holding a senior professional title or possessing equivalent professional standing.

Where the Supervision Officers Law of the People's Republic of China, the Judges Law of the People's Republic of China, the Procurators Law of the People's Republic of China or other laws provide that certain public officials may not concurrently serve as arbitrators, such provisions shall prevail; where other public officials concurrently serve as arbitrators, they shall comply with the relevant provisions.

An arbitration institution may appoint arbitrators from among overseas persons with specialized knowledge in law, economics and trade, maritime affairs, science and technology, and other fields.

Article 23 — An arbitration institution shall maintain a panel of arbitrators according to different specialties.

Where an arbitrator is expelled from public office, has his or her lawyer's practice certificate revoked, has his or her senior professional title revoked, or otherwise no longer meets the conditions for serving as an arbitrator, the arbitration institution shall remove the arbitrator from the panel.

Article 24 — Arbitration institutions shall be independent of administrative organs and shall have no affiliation with administrative organs.

There shall be no affiliation between arbitration institutions.

Article 25 — The China Arbitration Association is a social organization legal person. Arbitration institutions are members of the China Arbitration Association. The charter of the China Arbitration Association shall be formulated by the national members' assembly.

The China Arbitration Association is a self-regulatory organization of arbitration institutions, which supervises, in accordance with its charter, the conduct of arbitration institutions and their component personnel and staff, as well as the conduct of arbitrators in arbitration activities.

The China Arbitration Association shall formulate model arbitration rules in accordance with this Law and the relevant provisions of the Civil Procedure Law of the People's Republic of China.

Article 26 — The judicial administrative department of the State Council shall guide and supervise the national arbitration work in accordance with law, improve the relevant working systems, and make overall plans for the development of the arbitration cause.

The judicial administrative departments of the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall guide and supervise the arbitration work within their respective administrative regions in accordance with law.

Chapter III — Arbitration Agreement

Article 27 — An arbitration agreement includes arbitration clauses concluded in a contract and agreements requesting arbitration reached in other written forms before or after the occurrence of a dispute.

An arbitration agreement shall contain the following:

(1) the expression of intent to request arbitration;

(2) the matters for arbitration; and

(3) the selected arbitration institution.

Where one party asserts the existence of an arbitration agreement when applying for arbitration, and the other party does not deny it before the first hearing, the parties shall be deemed to have an arbitration agreement between them upon the tribunal's reminder and record.

Article 28 — An arbitration agreement shall be invalid under any of the following circumstances:

(1) the matters agreed for arbitration exceed the scope of arbitration prescribed by law;

(2) the arbitration agreement is concluded by a person without civil capacity or with limited civil capacity; or

(3) one party compels the other party to conclude the arbitration agreement by coercion.

Article 29 — Where an arbitration agreement contains no agreement on the matters for arbitration or on the arbitration institution, or the agreement is unclear, the parties may conclude a supplementary agreement; if a supplementary agreement cannot be reached, the arbitration agreement shall be invalid.

Article 30 — An arbitration agreement exists independently. Whether the contract is formed, or its modification, non-effectiveness, termination, revocation or invalidity, shall not affect the validity of the arbitration agreement already reached.

The arbitral tribunal shall have the power to confirm the validity of the contract.

Article 31 — Where a party has an objection to the validity of an arbitration agreement, it may request the arbitration institution or the arbitral tribunal to make a decision, or request a people's court to make a ruling. Where one party requests the arbitration institution or the arbitral tribunal to make a decision and the other party requests a people's court to make a ruling, the people's court shall make the ruling.

A party's objection to the validity of an arbitration agreement shall be raised before the arbitral tribunal's first hearing.

Chapter IV — Arbitration Proceedings

Section 1 — Application and Acceptance

Article 32 — A party applying for arbitration shall meet the following conditions:

(1) there is an arbitration agreement;

(2) there are specific arbitration claims and the facts and grounds therefor; and

(3) the matter falls within the acceptance scope of the arbitration institution.

Article 33 — A party applying for arbitration shall submit to the arbitration institution the arbitration agreement, the arbitration application and copies thereof.

Article 34 — An arbitration application shall state the following:

(1) the name, gender, age, occupation, work unit, domicile and contact information of the parties; for a legal person or an unincorporated organization, its name and domicile, and the name, position and contact information of its legal representative or principal responsible person;

(2) the arbitration claims and the facts and grounds on which they are based; and

(3) the evidence and its source, and the names and domiciles of witnesses.

Article 35 — Where an arbitration institution, within five days of receiving the arbitration application, considers that the conditions for acceptance are met, it shall accept the application and notify the applicant; where it considers that the conditions for acceptance are not met, it shall notify the applicant in writing of the non-acceptance and state the reasons.

Article 36 — After accepting an arbitration application, the arbitration institution shall, within the time limit prescribed by the arbitration rules, serve the arbitration rules and the panel of arbitrators on the applicant, and serve copies of the arbitration application, the arbitration rules and the panel of arbitrators on the respondent.

After receiving the copy of the arbitration application, the respondent shall submit a statement of defense to the arbitration institution within the time limit prescribed by the arbitration rules. After receiving the statement of defense, the arbitration institution shall serve a copy thereof on the applicant within the time limit prescribed by the arbitration rules. Failure by the respondent to submit a statement of defense shall not affect the conduct of the arbitration proceedings.

Article 37 — Where the parties have reached an arbitration agreement and one party brings a lawsuit in a people's court without stating the existence of the arbitration agreement, and, after the people's court accepts the case, the other party submits the arbitration agreement before the first hearing, the people's court shall reject the lawsuit, unless the arbitration agreement is invalid or the law provides otherwise; where the other party does not raise an objection to the people's court's acceptance of the case before the first hearing, it shall be deemed to have waived the arbitration agreement, and the people's court shall continue to hear the case.

Article 38 — The applicant may waive or modify its arbitration claims. The respondent may admit or refute the arbitration claims and has the right to raise counterclaims.

Article 39 — Where, due to the conduct of the other party or for other reasons, an award may become difficult to enforce or other harm may be caused to a party, the party may apply for property preservation or request an order directing the other party to perform a certain act or prohibiting it from performing a certain act. Where a party applies for preservation, the arbitration institution shall submit the party's application to a people's court in accordance with the relevant provisions of the Civil Procedure Law of the People's Republic of China, and the people's court shall handle it in a timely manner in accordance with law.

In urgent circumstances, the parties to an arbitration agreement may, before applying for arbitration, apply to a people's court for property preservation or request an order directing the other party to perform a certain act or prohibiting it from performing a certain act in accordance with the relevant provisions of the Civil Procedure Law of the People's Republic of China. Where a party applies for preservation, the people's court shall handle it in a timely manner in accordance with law.

Where an application is erroneous, the applicant shall compensate the respondent for the losses caused by the preservation.

Article 40 — The parties and their legal representatives may retain lawyers and other agents to participate in arbitration activities. Where lawyers and other agents are retained to participate in arbitration activities, a power of attorney shall be submitted to the arbitration institution.

Article 41 — Arbitration documents shall be served in a reasonable manner agreed by the parties; where there is no agreement between the parties or the agreement is unclear, they shall be served in the manner prescribed by the arbitration rules.

Section 2 — Composition of the Arbitral Tribunal

Article 42 — An arbitral tribunal may be composed of three arbitrators or one arbitrator. Where the tribunal is composed of three arbitrators, a presiding arbitrator shall be appointed.

Article 43 — Where the parties agree that the arbitral tribunal shall be composed of three arbitrators, they shall each select one arbitrator or each entrust the chairperson of the arbitration institution to designate one arbitrator in accordance with the procedures prescribed by the arbitration rules; the third arbitrator shall be selected by the parties jointly, or may be designated by the chairperson of the arbitration institution upon joint entrustment by the parties in accordance with the procedures prescribed by the arbitration rules. Where the parties agree that the third arbitrator shall be selected jointly by the arbitrators selected by each of them, their agreement shall prevail. The third arbitrator shall be the presiding arbitrator.

Where the parties agree that the arbitral tribunal shall be composed of one arbitrator, the arbitrator shall be selected by the parties jointly, or may be designated by the chairperson of the arbitration institution upon joint entrustment by the parties in accordance with the procedures prescribed by the arbitration rules.

Article 44 — Where the parties fail to agree on the composition of the arbitral tribunal or to select arbitrators within the time limit prescribed by the arbitration rules, the chairperson of the arbitration institution shall determine the composition or designate the arbitrators in accordance with the procedures prescribed by the arbitration rules.

Article 45 — Where an arbitrator is in circumstances that may give rise to reasonable doubt among the parties as to his or her independence or impartiality, the arbitrator shall promptly make a written disclosure to the arbitration institution.

The arbitration institution shall notify the parties in writing of the arbitrator's written disclosure and of the composition of the arbitral tribunal.

Article 46 — An arbitrator must recuse himself or herself, and the parties also have the right to apply for recusal, under any of the following circumstances:

(1) being a party to the case or an agent thereof, or a close relative of a party or an agent;

(2) having an interest in the case;

(3) having other relations with a party or an agent to the case that may affect the impartiality of the arbitration; or

(4) privately meeting a party or an agent, or accepting entertainment or gifts from a party or an agent.

Article 47 — A party applying for recusal shall state the reasons and raise the application before the first hearing. Where the ground for recusal becomes known after the first hearing, the application may be raised before the conclusion of the final hearing.

Article 48 — Whether an arbitrator recuses himself or herself shall be decided by the chairperson of the arbitration institution; where the chairperson of the arbitration institution serves as arbitrator, whether he or she recuses himself or herself shall be decided collectively by the other component personnel of the arbitration institution.

Article 49 — Where an arbitrator is unable to perform his or her duties due to recusal or other reasons, a new arbitrator shall be selected or designated in accordance with this Law.

After a new arbitrator is selected or designated due to recusal, the parties may request that the arbitration proceedings already conducted be conducted anew; whether the request is granted shall be decided by the arbitral tribunal. The arbitral tribunal may also decide on its own whether the arbitration proceedings already conducted shall be conducted anew.

Article 50 — An arbitrator who is in the circumstance specified in item (4) of Article 46 of this Law with serious circumstances, or in the circumstance specified in item (6) of paragraph 1 of Article 71 of this Law, shall bear legal liability in accordance with law, and the arbitration institution shall remove the arbitrator from the panel.

Section 3 — Hearing and Award

Article 51 — Arbitration shall be conducted by way of an oral hearing. Where the parties agree not to hold a hearing, the arbitral tribunal may render an award on the basis of the arbitration application, the statement of defense and other materials.

Article 52 — Arbitration shall not be conducted in public. Where the parties agree to a public hearing, it may be conducted in public, except where State secrets, other parties' trade secrets or individual privacy are involved.

Article 53 — The arbitration institution shall notify both parties of the hearing date within the time limit prescribed by the arbitration rules. Where a party has justified reasons, it may request a postponement of the hearing within the time limit prescribed by the arbitration rules. Whether the hearing is postponed shall be decided by the arbitral tribunal.

Article 54 — Where the applicant, having been notified in writing, fails to appear at the hearing without justified reasons or withdraws from the hearing midway without the arbitral tribunal's permission, the applicant may be deemed to have withdrawn its arbitration application.

Where the respondent, having been notified in writing, fails to appear at the hearing without justified reasons or withdraws from the hearing midway without the arbitral tribunal's permission, an award may be rendered by default.

Article 55 — The parties shall provide evidence for their respective claims.

The arbitral tribunal may collect on its own evidence that it deems necessary, and may, when necessary, request the relevant parties to provide assistance in accordance with law.

Article 56 — A party may apply to the arbitral tribunal for appraisal of specialized issues for the purpose of ascertaining facts. Where the arbitral tribunal, upon the party's application or its own judgment, considers that appraisal is needed for a specialized issue, it may submit the matter to an appraiser agreed by the parties, or to an appraiser designated by the arbitral tribunal.

Upon the request of a party or the requirement of the arbitral tribunal, and upon notification by the arbitral tribunal, the appraiser shall attend the hearing. A party may, with the arbitral tribunal's permission, question the appraiser.

Article 57 — Evidence shall be presented at the hearing, and the parties may cross-examine it.

Article 58 — Where evidence may be destroyed or may be difficult to obtain at a later time, a party may apply for evidence preservation. Where a party applies for evidence preservation, the arbitration institution shall submit the party's application to the basic people's court of the place where the evidence is located, and the people's court shall handle it in a timely manner in accordance with law.

In urgent circumstances, the parties to an arbitration agreement may, before applying for arbitration, apply to a people's court for evidence preservation in accordance with the relevant provisions of the Civil Procedure Law of the People's Republic of China. Where a party applies for evidence preservation, the people's court

shall handle it in a timely manner in accordance with law.

Article 59 — The parties have the right to debate during the arbitration proceedings. Upon conclusion of the debate, the presiding arbitrator or the sole arbitrator shall solicit the parties' final opinions.

Article 60 — The arbitral tribunal shall record the hearing in a transcript. Where a party or another arbitration participant considers that the record of its statement contains omissions or errors, it has the right to apply for correction. Where the correction is not made, the application shall be recorded.

The transcript shall be signed or sealed by the arbitrators, the record keeper, the parties and the other arbitration participants.

Article 61 — Where the arbitral tribunal finds that a party has unilaterally fabricated basic facts in applying for arbitration, or that the parties have maliciously colluded with each other in an attempt to infringe upon State interests, public interests or the lawful rights and interests of others through arbitration, it shall reject the arbitration claims.

Article 62 — After applying for arbitration, the parties may reach a settlement on their own. Where a settlement agreement is reached, the parties may request the arbitral tribunal to render an award in accordance with the settlement agreement, or may withdraw the arbitration application.

Article 63 — Where a party reneges after reaching a settlement agreement and withdrawing the arbitration application, it may apply for arbitration on the basis of the arbitration agreement.

Article 64 — The arbitral tribunal may first conduct mediation before rendering an award. Where the parties voluntarily seek mediation, the arbitral tribunal shall mediate. Where mediation fails, an award shall be rendered in a timely manner.

Where a settlement is reached through mediation, the arbitral tribunal shall prepare a mediation statement or render an award on the basis of the result of the settlement. The mediation statement and the award shall have equal legal effect.

Article 65 — A mediation statement shall state the arbitration claims and the result agreed by the parties. The mediation statement shall be signed by the arbitrators, sealed by the arbitration institution, and served on both parties.

A mediation statement becomes legally effective upon receipt by both parties.

Where a party reneges before receiving the mediation statement, the arbitral tribunal shall render an award in a timely manner.

Article 66 — An award shall be rendered in accordance with the opinion of the majority of the arbitrators, and the dissenting opinions of the minority arbitrators may be recorded in the transcript. Where the arbitral tribunal cannot form a majority opinion, the award shall be rendered in accordance with the opinion of the presiding arbitrator.

Article 67 — An award shall state the arbitration claims, the disputed facts, the grounds for the award, the result of the award, the allocation of arbitration fees, and the date of the award. Where the parties agree not to state the disputed facts and the grounds for the award, they may be omitted. The award shall be signed by the arbitrators and sealed by the arbitration institution. An arbitrator holding a dissenting opinion may sign or refrain from signing the award.

Article 68 — Where part of the facts in a dispute arbitrated by the arbitral tribunal are already clear, the tribunal may first render an award on that part.

Article 69 — Where there are clerical or computational errors in an award, or matters already decided by the arbitral tribunal but omitted from the award, the arbitral tribunal shall make corrections; a party may, within thirty days of receiving the award, request the arbitral tribunal to make corrections.

Article 70 — An award shall take legal effect from the date it is rendered.

Chapter V — Application for Setting Aside an Award

Article 71 — Where a party provides evidence proving that an award is under any of the following circumstances, it may apply to the intermediate people's court of the place where the arbitration institution is located for setting aside the award:

(1) there is no arbitration agreement;

(2) the matters decided in the award fall outside the scope of the arbitration agreement or are beyond the arbitral institution's power to arbitrate;

(3) the composition of the arbitral tribunal or the arbitration procedure violated the statutory procedure;

(4) the evidence on which the award is based is forged;

(5) the other party concealed evidence sufficient to affect the impartiality of the award; or

(6) the arbitrator solicited or accepted bribes, practiced favoritism for personal gain, or rendered an award perverting the law in arbitrating the case.

Where a people's court, after forming a collegial panel to examine and verify, finds that an award is under any of the circumstances specified in the preceding paragraph, it shall rule to set aside the award.

Where a people's court determines that the award violates the public interest, it shall rule to set aside the award.

Article 72 — A party applying to set aside an award shall file the application within three months of receiving the award.

Article 73 — A people's court shall, within two months of accepting an application to set aside an award, render a ruling to set aside the award or to dismiss the application.

Article 74 — Where a people's court, after accepting an application to set aside an award, considers that the case may be re-arbitrated by the arbitral tribunal, it shall notify the arbitral tribunal to re-arbitrate the case within a certain period and rule to suspend the setting-aside procedure. Where the arbitral tribunal commences re-arbitration, the people's court shall rule to terminate the setting-aside procedure. Where the arbitral tribunal refuses re-arbitration, the people's court shall rule to resume the setting-aside procedure.

Chapter VI — Enforcement

Article 75 — The parties shall perform the award. Where one party fails to perform the award, the other party may apply to a people's court for enforcement in accordance with the relevant provisions of the Civil Procedure Law of the People's Republic of China. The people's court receiving the application shall enforce the award.

Article 76 — Where the respondent provides evidence proving that the award is under any of the circumstances specified in paragraph 1 of Article 71 of this Law, the people's court shall, after forming a collegial panel to examine and verify, rule not to enforce the award.

Where a people's court determines that enforcing the award would violate the public interest, it shall rule not to enforce the award.

Article 77 — Where one party applies for enforcement of the award and the other party applies to set aside the award, the people's court shall rule to suspend enforcement.

Where the people's court rules to set aside the award, it shall rule to terminate enforcement. Where the application to set aside the award is dismissed by ruling, the people's court shall rule to resume enforcement.

Chapter VII — Special Provisions on Foreign-Related Arbitration

Article 78 — The arbitration of disputes arising from foreign-related economic and trade, transport and maritime matters, as well as other foreign-related disputes, shall be governed by this Chapter; where this Chapter contains no provisions, other relevant provisions of this Law shall apply.

Article 79 — Where a party to foreign-related arbitration applies for evidence preservation, the arbitration institution shall submit the party's application to the intermediate people's court of the place where the evidence is located, and the people's court shall handle it in a timely manner in accordance with law.

Article 80 — An arbitral tribunal in foreign-related arbitration may record the hearing in a transcript or prepare a summary of the transcript; the summary of the transcript may be signed or sealed by the parties and the other arbitration participants.

Article 81 — The parties may agree in writing on the seat of arbitration. Unless the parties otherwise agree on the law applicable to the arbitration procedure, the seat of arbitration shall serve as the basis for determining the law applicable to the arbitration procedure and the court with judicial jurisdiction. An award shall be deemed to have been rendered at the seat of arbitration.

Where the parties have no agreement on the seat of arbitration or the agreement is unclear, the seat of arbitration shall be determined in accordance with the arbitration rules agreed by the parties; where the arbitration rules contain no provisions, the seat of arbitration shall be determined by the arbitral tribunal based on the circumstances of the case and the principle of facilitating dispute resolution.

Article 82 — For disputes arising from foreign-related maritime matters, or foreign-related disputes arising between enterprises that are registered and established in the pilot free trade zones approved by the State Council, the Hainan Free Trade Port, or other areas prescribed by the State, where the parties agree in writing to arbitration, they may choose to have the arbitration conducted by an arbitration institution; they may also choose the People's Republic of China as the seat of arbitration, and have the arbitration conducted in accordance with the agreed arbitration rules by a tribunal composed of persons meeting the conditions prescribed by this Law. Such a tribunal shall, within three working days of its constitution, file with the arbitration association for the record the names of the parties, the seat of arbitration, the composition of the arbitral tribunal and the arbitration rules.

Where a party applies for property preservation or evidence preservation, or requests an order directing the other party to perform a certain act or prohibiting it from performing a certain act, the arbitral tribunal shall submit the party's application to a people's court in accordance with law, and the people's court shall handle it in a timely manner in accordance with law.

Article 83 — Where a party provides evidence proving that a foreign-related arbitration award is under any of the following circumstances, the people's court shall, after forming a collegial panel to examine and verify, rule to set aside the award:

(1) there is no arbitration agreement;

(2) the respondent was not given notice of the appointment of an arbitrator or of the arbitration proceedings, or was unable to present its case for reasons not attributable to the respondent;

(3) the composition of the arbitral tribunal or the arbitration procedure was not in conformity with the arbitration rules; or

(4) the matters decided in the award fall outside the scope of the arbitration agreement or are beyond the arbitral institution's power to arbitrate.

Where a people's court determines that the award violates the public interest, it shall rule to set aside the award.

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Article 84 — Where the respondent provides evidence proving that a foreign-related arbitration award is under any of the circumstances specified in paragraph 1 of Article 83 of this Law, the people's court shall, after forming a collegial panel to examine and verify, rule not to enforce the award.

Where a people's court determines that enforcing the award would violate the public interest, it shall rule not to enforce the award.

Article 85 — Where an effective arbitral award rendered within the territory of the People's Republic of China is sought to be enforced, if the person subject to enforcement or its property is not within the territory of the People's Republic of China, the party may directly apply to a competent foreign court for recognition and enforcement.

Article 86 — The State supports arbitration institutions in establishing business institutions outside the territory of the People's Republic of China to carry out arbitration activities.

In accordance with the needs of economic and social development and reform and opening up, overseas arbitration institutions may be permitted to establish business institutions within the pilot free trade zones approved by the State Council, the Hainan Free Trade Port and other areas in accordance with the relevant State regulations to carry out foreign-related arbitration activities.

Article 87 — Parties to foreign-related arbitration are encouraged to select arbitration institutions in the People's Republic of China (including special administrative regions) and to agree on the People's Republic of China (including special administrative regions) as the seat of arbitration.

Article 88 — Where an effective arbitral award rendered outside the territory of the People's Republic of China needs to be recognized and enforced by a people's court, a party may directly apply to the intermediate people's court of the place where the person subject to enforcement has its domicile or where its property is located. Where the domicile of the person subject to enforcement or its property is not within the territory of the People's Republic of China, the party may apply to the intermediate people's court of the place where the applicant has its domicile or of a place having an appropriate connection with the dispute. The people's court shall handle the matter in accordance with the international treaties concluded or acceded to by the People's Republic of China, or in accordance with the principle of reciprocity.

Where a foreign arbitration institution restricts or discriminates against the lawful rights and interests of citizens, legal persons and other organizations of the People's Republic of China, the relevant organs of the People's Republic of China have the right to apply the principle of reciprocity to the citizens, enterprises and other organizations of that country.

Chapter VIII — Supplementary Provisions

Article 89 — For the purposes of this Law, "arbitration institution" includes arbitration commissions, arbitration courts and other institutions established in accordance with law.

Article 90 — Where the law provides for the limitation period for arbitration, such provisions shall prevail; where there are no such provisions, the provisions on the limitation of actions shall apply.

Article 91 — An arbitration institution may, in accordance with this Law and the relevant provisions of the Civil Procedure Law of the People's Republic of China, formulate its arbitration rules with reference to the model arbitration rules formulated by the China Arbitration Association.

Article 92 — The parties shall pay arbitration fees in accordance with the provisions.

Arbitration institutions shall formulate measures for collecting arbitration fees in accordance with the relevant State regulations.

Article 93 — Labor dispute arbitration, arbitration of disputes over rural land contract management, sports arbitration and the like shall be governed by the Labor Dispute Mediation and Arbitration Law of the People's

Republic of China, the Law on Mediation and Arbitration of Rural Land Contract Management Disputes of the People's Republic of China, the Sports Law of the People's Republic of China and other relevant laws.

Article 94 — Arbitration institutions and arbitral tribunals may handle international investment arbitration cases in accordance with the provisions of the relevant international investment treaties and agreements on submitting investment disputes to arbitration and the arbitration rules agreed by the disputing parties.

Article 95 — Violations of the provisions on the registration administration of arbitration institutions shall be handled in accordance with the provisions of the relevant laws and administrative regulations.

Article 96 — This Law shall come into force on March 1, 2026.

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