# Commercial Mediation Regulation of the PRC

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

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Article 1 — This Regulation is formulated to regulate commercial mediation activities, effectively resolve commercial disputes, protect the lawful rights and interests of the parties, promote the development of the commercial mediation industry, and optimize the business environment.

Article 2 — For the purposes of this Regulation, "commercial mediation activities" means activities in which the parties, under the auspices of a commercial mediation organization, voluntarily and amicably negotiate to resolve commercial disputes in the fields of trade, investment, finance, transportation, real estate, engineering construction, intellectual property, and other fields. Disputes concerning marriage and family, succession, guardianship, labor and personnel, consumer rights, and disputes that shall be resolved by other means in accordance with law are not subject to commercial mediation.

For the purposes of this Regulation, "commercial mediation organization" means an organization established in accordance with the provisions of this Regulation that carries out commercial mediation activities on a not-for-profit basis.

Article 3 — The development of the commercial mediation industry shall implement the line, principles, policies, decisions, and arrangements of the Party and the State, adhere to the purpose of serving the people, and serve the country's high-quality development and high-level opening up.

Article 4 — The judicial administrative department of the State Council shall be responsible for guiding and regulating commercial mediation work nationwide and for overall planning of the development of the commercial mediation industry.

The judicial administrative departments of local people's governments at or above the county level shall be responsible for guiding and regulating commercial mediation work within their respective administrative regions and shall strengthen supervision and administration of commercial mediation activities carried out by commercial mediation organizations.

Article 5 — Commercial mediation industry self-regulatory organizations shall carry out industry self-regulation in accordance with laws, regulations, and their charters, and shall accept the guidance and supervision of judicial administrative departments.

Article 6 — The State shall cultivate commercial mediation organizations with international influence and enhance their international competitiveness.

Judicial administrative departments shall, in conjunction with relevant departments, strengthen publicity for commercial mediation and promote the use of mediation to resolve commercial disputes.

Regions and departments with the necessary conditions are encouraged, in light of the actual circumstances of their respective regions and fields, to support the development of the commercial mediation industry in terms of talent, information, technology, funds, and other aspects.

Article 7 — The State shall improve the mechanism for the connection of commercial mediation with litigation, arbitration, notarization, and other systems, and shall keep the channels for resolving commercial disputes unimpeded.



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Article 8 — The establishment of a commercial mediation organization shall meet the following conditions:

(1) the promoters are not-for-profit legal persons;

(2) it has a standardized name containing the words "commercial mediation";

(3) it has its own domicile and charter;

(4) it has assets of not less than 300,000 yuan;

(5) it has five or more commercial mediators and an appropriate number of full-time staff members.

Article 9 — To establish a commercial mediation organization, an application shall be filed with the judicial administrative department of the people's government of a city divided into districts at the place of establishment, together with the application for establishment and relevant materials. The applicant shall be responsible for the authenticity of the application materials.

The department receiving the application shall review it within 20 working days from the date of receipt, and shall submit the preliminary review opinions and all application materials to the judicial administrative department of the people's government of the province, autonomous region, or municipality directly under the Central Government. The judicial administrative department of the people's government of the province, autonomous region, or municipality directly under the Central Government shall review the materials within 20 working days from the date of receipt and decide whether to approve the establishment. Where a decision cannot be made within 20 working days, the period may be extended by 10 working days with the approval of the person in charge of the department, and the reasons for the extension shall be notified to the applicant. Where establishment is approved, a practice certificate shall be issued to the applicant; where establishment is not approved, the applicant shall be notified in writing of the reasons.

Article 10 — Where a commercial mediation organization changes its name, domicile, charter, or other matters, it shall complete the formalities for changing its practice certificate in accordance with law.

A commercial mediation organization shall complete the formalities for canceling its practice certificate in accordance with law under any of the following circumstances:

(1) it can no longer maintain the establishment conditions prescribed in this Regulation and still fails to meet the conditions after rectification within a prescribed time limit;

(2) it terminates its commercial mediation business activities;

(3) other circumstances in which cancellation is required by laws or administrative regulations.

Article 11 — The judicial administrative departments of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall compile a roster of commercial mediation organizations within their respective administrative regions and make it public.

Article 12 — Commercial mediators appointed by a commercial mediation organization shall be fair and upright and possess good professional competence. A commercial mediator shall meet one of the following conditions:

(1) has obtained legal profession qualification by passing the national unified legal profession qualification examination and has been engaged in mediation work for three years or more;

(2) has been engaged in work as a lawyer, arbitrator, or notary for three years or more, or has served as a judge or prosecutor for three years or more;

(3) has relevant professional knowledge in law, economics, science and technology, or other fields, has been engaged in professional work in law, economics and trade, or other fields, and holds a professional title of intermediate level or above or has an equivalent professional level;

(4) had been engaged in commercial mediation work for three years or more before the implementation of this Regulation and holds a bachelor's degree or above.

Where public officials serve concurrently as commercial mediators, they shall comply with laws, administrative regulations, and the relevant provisions of the State.

A commercial mediation organization may appoint commercial mediators from overseas persons with professional influence and credibility, and shall file for record with the judicial administrative department of the people's government of the province, autonomous region, or municipality directly under the Central Government at the place of establishment in accordance with the provisions of the judicial administrative department of the State Council.

Article 13 — A commercial mediation organization shall establish internal management systems for business management, conflict-of-interest review, and complaint handling.

The charter, roster of commercial mediators, mediation rules, and information on the establishment, changes, and cancellation of a commercial mediation organization shall be made public in a timely manner.

Article 14 — Commercial mediation activities shall follow the principles of voluntariness, legality, good faith, and confidentiality.

Article 15 — Where a commercial dispute arises, the parties may apply to a commercial mediation organization for mediation. Where one party expressly refuses mediation, mediation shall not be conducted.

The parties may jointly select a commercial mediator from the roster of commercial mediators of the commercial mediation organization to conduct mediation, or may jointly entrust the commercial mediation organization to recommend a commercial mediator to conduct mediation.

Article 16 — A commercial mediation organization may charge commercial mediation fees.

A commercial mediation organization shall set its commercial mediation fee standards in accordance with the principles of fairness and reasonableness, and make them public.

Article 17 — Commercial mediators shall carry out mediation activities in accordance with laws and regulations, and may apply industry rules, business practices, and trade customs.

Commercial mediators shall remain neutral, diligent, and responsible during the mediation process, observe professional ethics and practice conduct standards, and shall not collude with the parties to conduct false mediation activities.

Article 18 — Commercial mediation organizations are encouraged to use artificial intelligence, big data, and other technical means to improve the quality and efficiency of commercial mediation.

Where a commercial mediator and the parties agree to conduct mediation online, such mediation shall have the same legal effect as offline mediation activities.

Article 19 — Commercial mediation shall not be conducted publicly. Where the parties agree on public mediation, it may be conducted publicly, except where State secrets, trade secrets of others, or personal privacy are involved.

Commercial mediation organizations and commercial mediators shall bear confidentiality obligations with respect to information learned during the mediation process, except where all parties agree in writing to disclosure or where disclosure is otherwise required by law.

Article 20 — Where a commercial mediator has an interest in the disputed matter, or where there are other circumstances that may cause the parties to have reasonable doubts about the mediator's neutrality or impartiality, the commercial mediator shall promptly disclose such circumstances to the parties and withdraw from the mediation. Where all parties agree to allow the commercial mediator to continue mediation, such



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agreement shall be made in writing.

In litigation or arbitration related to the disputed matter, where a commercial mediator is subject to circumstances under which recusal is required by law, the mediator shall recuse.

Article 21 — Where no agreement can be reached through commercial mediation, where the parties do not agree to continue mediation, or where circumstances exist such as a party intending to use mediation for illegal purposes, the mediation shall be terminated.

Article 22 — Where an agreement is reached through commercial mediation, unless otherwise agreed by the parties, a commercial mediation agreement shall be prepared, recording the main facts, the disputed matters, and the main content, manner of performance, and time limit of the agreement reached by the parties. The commercial mediator shall sign the commercial mediation agreement and affix the seal of the commercial mediation organization.

The content of a commercial mediation agreement shall not harm State interests, social public interests, or the lawful rights and interests of others, shall not violate mandatory provisions of laws or administrative regulations, and shall not contravene public order and good morals.

A commercial mediation agreement is legally binding, and the parties shall perform it.

Article 23 — The parties may apply for judicial confirmation of a commercial mediation agreement, specifically handled in accordance with the relevant provisions of the Civil Procedure Law of the People's Republic of China.

Where a commercial mediation agreement involves enforcement outside the territory of the People's Republic of China, the parties may apply for enforcement to a competent foreign authority in accordance with relevant international treaties.

Article 24 — Commercial mediation organizations are supported in establishing business institutions overseas to carry out commercial mediation activities.

Based on the needs of economic and social development and reform and opening up, overseas commercial mediation organizations may be allowed to establish business institutions within regions such as pilot free trade zones approved by the State Council and the Hainan Free Trade Port in accordance with the relevant provisions of the State, to carry out foreign-related commercial mediation activities.

Within regions such as pilot free trade zones and the Hainan Free Trade Port, relevant localities may, on a pilot basis, establish systems under which commercial mediators independently carry out foreign-related commercial mediation activities.

Article 25 — Commercial mediation organizations and commercial mediation industry self-regulatory organizations are encouraged to conduct exchanges and cooperation with overseas commercial mediation organizations and international organizations, actively participate in the formulation of international commercial mediation rules, and strengthen the cultivation of international commercial mediation talent.

Commercial mediation industry self-regulatory organizations and commercial mediation organizations shall organize commercial mediator training in accordance with relevant provisions.

National commercial mediation industry self-regulatory organizations shall be responsible for promoting international mutual recognition of the competence of commercial mediators.

Article 26 — Support shall be given to the alignment of commercial mediation rules and the connection of mechanisms in the Guangdong-Hong Kong-Macao Greater Bay Area, to promote the coordinated development of commercial mediation in the Guangdong-Hong Kong-Macao Greater Bay Area.

Article 27 — The judicial administrative departments of local people's governments at or above the county level shall supervise and administer commercial mediation activities carried out by commercial mediation



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organizations, and may take measures such as on-site inspection, consulting and copying relevant materials, investigating relevant circumstances, and interviewing relevant personnel.

Article 28 — Where anyone, without the approval of a judicial administrative department, carries out commercial mediation activities prescribed in this Regulation in the name of a commercial mediation organization without authorization, the judicial administrative department of the people's government of a province, autonomous region, municipality directly under the Central Government, or a city divided into districts shall order rectification and impose a fine of not less than 100,000 yuan but not more than 300,000 yuan; where there are illegal gains, the illegal gains shall be confiscated.

Article 29 — Where a commercial mediation organization fails to complete the formalities for change or cancellation, or to disclose relevant information, in accordance with the provisions of this Regulation, the judicial administrative department of the people's government at or above the county level shall order rectification and give a warning; where it refuses to make rectification, it shall be ordered to suspend business for rectification, and may be fined not less than 10,000 yuan but not more than 50,000 yuan.

Where a commercial mediation organization carries out business in violation of the provisions of this Regulation or solicits business by improper means, the judicial administrative department of the people's government at or above the county level shall order rectification, give a warning, and impose a fine of not less than 50,000 yuan but not more than 100,000 yuan; where the circumstances are serious, its practice certificate shall be revoked in accordance with law, and it shall be fined not less than 100,000 yuan but not more than 300,000 yuan, and its responsible person shall be given a warning and fined not less than 10,000 yuan but not more than 50,000 yuan; where there are illegal gains, the illegal gains shall be confiscated.

Article 30 — Where a commercial mediator fails to perform the confidentiality obligation and causes serious consequences, or colludes with the parties to conduct false mediation activities, harming State interests, social public interests, or the lawful rights and interests of others, the judicial administrative department of the people's government at or above the county level shall order rectification, give a warning, and impose a fine of not less than 10,000 yuan but not more than 100,000 yuan; where the circumstances are serious, the mediator shall be ordered to suspend commercial mediation business for not less than one year but not more than three years; where there are illegal gains, the illegal gains shall be confiscated.

Article 31 — The judicial administrative department of the State Council shall, in accordance with this Regulation, formulate specific measures for the administration of commercial mediation organizations.

Organizations that were already established and engaged in commercial mediation before the implementation of this Regulation and continue to carry out commercial mediation activities shall, within one year from the date of implementation of this Regulation, complete the practice formalities in accordance with the provisions of this Regulation.

Article 32 — This Regulation does not apply to public-interest mediation activities carried out by industry associations, chambers of commerce, and the like.

Article 33 — This Regulation shall come into force on May 1, 2026.

Disclaimer: This is an unofficial English translation of the Commercial Mediation Regulation of the People's Republic of China, provided for general reference only. It is not an official translation and has no legal effect. In the event of any discrepancy, the original Chinese text shall prevail. For legal advice concerning commercial mediation or dispute resolution in China, please consult a qualified professional.