Commercial Mediation Regulations of the PRC

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

Adopted at the 75th Executive Meeting of the State Council on December 19, 2025
Promulgated by State Council Order No. 827 on December 31, 2025
Effective: May 1, 2026

Article 1 — These Regulations are formulated for the purposes of regulating commercial mediation activities, effectively resolving commercial disputes, protecting the lawful rights and interests of the parties, promoting the development of the commercial mediation industry, and optimizing the business environment.

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

For the purposes of these Regulations, "commercial mediation organization" means an organization established in accordance with these Regulations that carries out commercial mediation activities on a non-profit basis.

Article 3 — The development of the commercial mediation industry shall implement the Party's and the State's guidelines, policies, and decisions and arrangements, 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 under the State Council shall be responsible for guiding and regulating commercial mediation work nationwide and for the overall planning of the development of the commercial mediation industry.

The judicial administrative departments of the 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 for strengthening the supervision and administration of commercial mediation activities carried out by commercial mediation organizations.

Article 5 — Self-regulatory organizations of the commercial mediation industry shall carry out industry self-regulation in accordance with laws, regulations, and their articles of association, and shall be subject to the guidance and supervision of the judicial administrative departments.

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

The judicial administrative departments shall, together with the relevant departments, strengthen publicity for commercial mediation and promote the use of mediation to resolve commercial disputes.

Regions and departments where conditions permit are encouraged to, in light of local conditions and the actual circumstances of their respective fields, provide support for the development of the commercial mediation industry in terms of talent, information, technology, and funds.

Article 7 — The State shall improve the mechanisms linking commercial mediation with litigation, arbitration, notarization, and other systems, and shall open up channels for resolving commercial disputes.

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Article 8 — To establish a commercial mediation organization, the following conditions shall be met:

(1) the promoter is a non-profit legal person;

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

(3) it has its own domicile and articles of association;

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

(5) it has not fewer than five commercial mediators and an appropriate number of full-time staff.

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 where the organization is to be located, together with the application for establishment and the relevant materials. The applicant shall be responsible for the authenticity of the application materials.

The department accepting the application shall examine it within 20 working days from the date of acceptance and shall submit its preliminary examination opinion 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 examine 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 applicant shall be informed of the reasons for the extension. Where establishment is approved, a practicing certificate shall be issued to the applicant; where establishment is not approved, the applicant shall be informed of the reasons in writing.

Article 10 — Where a commercial mediation organization changes its name, domicile, articles of association, or other matters, it shall complete the change procedures for its practicing certificate in accordance with the law.

A commercial mediation organization shall complete the cancellation procedures for its practicing certificate in accordance with the law under any of the following circumstances:

(1) it fails to maintain the conditions for establishment prescribed by these Regulations and still fails to meet the conditions after rectification within a prescribed period;

(2) it terminates its commercial mediation business activities;

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

Article 11 — The judicial administrative department of the people's government of a province, autonomous region, or municipality directly under the Central Government shall compile a roster of commercial mediation organizations within its administrative region and make the roster public.

Article 12 — Commercial mediators appointed by a commercial mediation organization shall be fair, upright, and professionally competent. A commercial mediator shall meet one of the following conditions:

(1) has obtained legal professional qualification by passing the unified national legal professional qualification examination and has been engaged in mediation work for not less than three years;

(2) has been engaged in the work of lawyer, arbitration, or notarization for not less than three years, or has served as a judge or prosecutor for not less than three years;

(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) has been engaged in commercial mediation work for not less than three years before the implementation of these Regulations and holds a bachelor's degree or above.

Where a public official concurrently serves as a commercial mediator, the public official shall comply with laws, administrative regulations, and the relevant State provisions.

A commercial mediation organization may appoint commercial mediators from overseas persons with professional influence and credibility, and shall, in accordance with the provisions of the judicial administrative department under the State Council, file such appointments with the judicial administrative department of the people's government of the province, autonomous region, or municipality directly under the Central Government where it is located.

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

The articles of association, roster of commercial mediators, mediation rules, and information on the establishment, change, 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 they may jointly entrust the commercial mediation organization with recommending a commercial mediator to conduct mediation.

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

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

Article 17 — When conducting mediation activities, a commercial mediator shall comply with laws and regulations and may apply industry rules, commercial practices, and transaction customs.

A commercial mediator shall remain neutral, diligent, and responsible during mediation, shall observe professional ethics and codes of professional conduct, and shall not collude with a party to conduct false mediation activities.

Article 18 — Commercial mediation organizations are encouraged to use technologies such as artificial intelligence and big data 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 in public. Where the parties agree to public mediation, it may be conducted in public, except where State secrets, the trade secrets of others, or personal privacy are involved.

A commercial mediation organization and its commercial mediators shall have a duty of confidentiality with respect to information learned during mediation, 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 and impartiality, the commercial mediator shall disclose such circumstances to the parties in a timely manner and

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withdraw from the mediation. Where all parties agree that the commercial mediator may continue the mediation, their agreement shall be made in writing.

Where, in litigation or arbitration related to the disputed matter, a commercial mediator is required by law to recuse, the mediator shall recuse.

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

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

The contents of a commercial mediation agreement shall not harm the interests of the State, the public interest, or the lawful rights and interests of others, shall not violate the mandatory provisions of laws and administrative regulations, and shall not violate 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 in accordance with the relevant provisions of the Civil Procedure Law of the People's Republic of China.

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

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 permitted to establish business institutions within areas such as pilot free trade zones and the Hainan Free Trade Port approved by the State Council, so as to carry out foreign-related commercial mediation activities in accordance with the relevant State provisions.

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

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

Self-regulatory organizations of the commercial mediation industry and commercial mediation organizations shall, in accordance with the relevant provisions, organize training for commercial mediators.

The national self-regulatory organization of the commercial mediation industry shall be responsible for promoting the international mutual recognition of the competence of commercial mediators.

Article 26 — The alignment of rules and the linkage of mechanisms for commercial mediation in the Guangdong-Hong Kong-Macao Greater Bay Area shall be supported, so as to promote the coordinated development of commercial mediation in the Guangdong-Hong Kong-Macao Greater Bay Area.

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Article 27 — The judicial administrative departments of the local people's governments at or above the county level shall supervise and administer the commercial mediation activities of commercial mediation organizations and may take measures such as on-site inspection, consulting and duplicating relevant materials, investigating relevant circumstances, and interviewing relevant persons.

Article 28 — Where a person, without approval from the judicial administrative department, conducts commercial mediation activities prescribed by these Regulations in the name of a commercial mediation organization, the judicial administrative department of the people's government of the province, autonomous region, municipality directly under the Central Government, or a city divided into districts shall order correction and impose a fine of not less than RMB 100,000 but not more than RMB 300,000; where there are illegal gains, the illegal gains shall be confiscated.

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

Where a commercial mediation organization carries out business in violation of these Regulations or solicits business by improper means, the judicial administrative department of the people's government at or above the county level shall order correction, issue a warning, and impose a fine of not less than RMB 50,000 but not more than RMB 100,000; where the circumstances are serious, its practicing certificate shall be revoked in accordance with the law and a fine of not less than RMB 100,000 but not more than RMB 300,000 shall be imposed, and its person in charge shall be given a warning and fined not less than RMB 10,000 but not more than RMB 50,000; where there are illegal gains, the illegal gains shall be confiscated.

Article 30 — Where a commercial mediator fails to perform the duty of confidentiality, causing serious consequences, or colludes with a party to conduct false mediation activities, harming the interests of the State, the public interest, 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 correction, issue a warning, and impose a fine of not less than RMB 10,000 but not more than RMB 100,000; 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 under the State Council shall, in accordance with these Regulations, formulate specific measures for the administration of commercial mediation organizations.

Organizations already engaged in commercial mediation before the implementation of these Regulations that continue to carry out commercial mediation activities shall, within one year from the date of implementation of these Regulations, complete the practicing procedures in accordance with these Regulations.

Article 32 — Public-welfare mediation activities carried out by industry associations, chambers of commerce, and the like shall not be subject to these Regulations.

Article 33 — These Regulations shall be implemented as of May 1, 2026.

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