Measures for the Charging of Arbitration Fees by Arbitration Commissions

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

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Article 1 — These Measures are formulated for the purpose of standardizing the charging of arbitration fees by arbitration commissions.

Article 2 — A party applying for arbitration shall, in accordance with these Measures, pay arbitration fees to the arbitration commission. Arbitration fees include case acceptance fees and case handling fees.

Article 3 — Case acceptance fees are used to pay arbitrators' remuneration and to cover the necessary expenses for maintaining the normal operation of the arbitration commission.

Article 4 — The claimant shall, within 15 days from the date of receipt of the notice of acceptance from the arbitration commission, prepay the case acceptance fee in accordance with the Table of Arbitration Case Acceptance Fees. The respondent shall, at the time of filing a counterclaim, prepay the case acceptance fee in accordance with the Table of Arbitration Case Acceptance Fees.

The specific standard for arbitration case acceptance fees shall be determined by the arbitration commission within the range prescribed in the Table of Arbitration Case Acceptance Fees, and shall be reported to the pricing administration department of the people's government of the province, autonomous region or municipality directly under the Central Government where the arbitration commission is located for approval.

Article 5 — The amount in dispute in the Table of Arbitration Case Acceptance Fees shall be based on the amount claimed by the claimant; where the amount claimed is inconsistent with the actual amount in dispute, the actual amount in dispute shall prevail.

Where the amount in dispute is not determined at the time of applying for arbitration, the arbitration commission shall determine the amount of the case acceptance fee to be collected in advance according to the specific circumstances of the rights and interests involved in the dispute.

Article 6 — Where a party genuinely has difficulty prepaying the case acceptance fee, upon application by the party and approval by the arbitration commission, the prepayment may be deferred.

Where a party fails to prepay the case acceptance fee within the period specified in the first paragraph of Article 4 of these Measures and does not apply for deferred payment, the arbitration application shall be deemed withdrawn.

Article 7 — Case handling fees include:

(1) accommodation, meals, transportation and other reasonable expenses incurred by arbitrators for traveling and holding hearings in handling the arbitration case;

(2) accommodation, meals, transportation and lost-work subsidies incurred by witnesses, experts and interpreters for appearing at hearings;

(3) fees for consultation, appraisal, inspection, interpretation and the like;

(4) fees for copying and serving case materials and documents;

(5) other reasonable expenses to be borne by the parties.

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The case handling fees specified in Items (2) and (3) of this Article shall be prepaid by the party making the request.

Article 8 — The fee standards for case handling fees shall be implemented in accordance with the relevant provisions of the state; where the state has no provisions, they shall be charged according to reasonable actual expenditure.

Article 9 — Arbitration fees shall, in principle, be borne by the losing party; where a party partially wins and partially loses, the arbitration tribunal shall determine the proportion of arbitration fees to be borne by each party according to the extent of each party's responsibility. Where the parties reach a settlement themselves or the case is concluded through mediation by the arbitration tribunal, the parties may negotiate and determine the proportion of arbitration fees to be borne by each.

The arbitration tribunal shall state in the mediation statement or award the amount of arbitration fees ultimately to be paid by both parties.

Article 10 — In accordance with Article 61 of the Arbitration Law, where the arbitration tribunal agrees to re-arbitrate, the arbitration commission may not again collect the case acceptance fee.

No fees may be charged for the arbitration tribunal's correction, in accordance with law, of typographical or computational errors in the award or of matters already decided by the arbitration tribunal but omitted from the award.

Article 11 — Where the claimant, after written notice, fails to appear at the hearing without justifiable reasons or withdraws from the hearing midway without the permission of the arbitration tribunal, the arbitration application may be deemed withdrawn, and the case acceptance fee and handling fee shall not be refunded.

Article 12 — Where, after the arbitration commission accepts the arbitration application and before the arbitration tribunal is constituted, the claimant withdraws the arbitration application, or the parties reach a settlement agreement themselves and withdraw the arbitration application, the case acceptance fee shall be refunded in full.

Where, after the arbitration tribunal is constituted, the claimant withdraws the arbitration application or the parties reach a settlement agreement themselves and withdraw the arbitration application, part of the case acceptance fee shall be refunded as appropriate according to the actual circumstances.

Article 13 — The provisions of Article 5 and Article 12 of these Measures shall likewise apply to the case where the respondent files a counterclaim.

Article 14 — When collecting arbitration case acceptance fees, the arbitration commission shall use fee receipts uniformly printed by the finance departments of the people's governments of provinces, autonomous regions and municipalities directly under the Central Government, and shall, in accordance with the relevant provisions of the state, establish and improve its financial accounting systems, strengthen financial and revenue-expenditure management, and accept supervision by finance, audit, taxation and pricing departments.

Article 15 — These Measures shall take effect on September 1, 1995.

Schedule — Table of Arbitration Case Acceptance Fees

The case acceptance fees are collected at the following progressive rates based on the amount in dispute:

1. For the portion below RMB 1,000: RMB 40 to RMB 100.

2. For the portion from RMB 1,001 to RMB 50,000: 4% to 5%.

3. For the portion from RMB 50,001 to RMB 100,000: 3% to 4%.

4. For the portion from RMB 100,001 to RMB 200,000: 2% to 3%.

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5. For the portion from RMB 200,001 to RMB 500,000: 1% to 2%.
6. For the portion from RMB 500,001 to RMB 1,000,000: 0.5% to 1%.
7. For the portion above RMB 1,000,000: 0.25% to 0.5%.

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