# Plan for the Re-establishment of Arbitration Institutions

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

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## I. Principles for Re-establishing Arbitration Institutions

(1) Comprehensively and accurately grasp the spirit of the Arbitration Law of the People's Republic of China (hereinafter referred to as the "Arbitration Law"), and carry out the re-establishment strictly in accordance with the Arbitration Law.

(2) Embody the purpose of serving the people wholeheartedly, and ensure that arbitration can resolve economic disputes in accordance with the principles of fairness and timeliness.

(3) Proceed from actual conditions and carry out the re-establishment according to needs and possibilities.

(4) Unify understanding, strengthen leadership, and mobilize the positive factors of all parties to ensure a smooth transition of arbitration work.

## II. Arbitration Commissions

(1) A city that may establish an arbitration commission in accordance with law may establish only one unified arbitration commission, and may not establish specialized arbitration commissions or specialized arbitration tribunals according to different specialties.

(2) The names of newly established arbitration commissions shall be standardized; the place name of the city where the arbitration commission is located shall uniformly be prefixed to "Arbitration Commission" (place name plus Arbitration Commission), such as the Beijing Arbitration Commission, the Guangzhou Arbitration Commission and the Shenzhen Arbitration Commission.

(3) An arbitration commission shall be composed of one chairman, two to four vice-chairmen and seven to eleven members. Among them, one to two members shall be full-time resident members, and the other members shall all be part-time.

The members of an arbitration commission shall be experts from institutions of higher learning, scientific research institutions, state organs and other quarters, and persons with practical work experience.

The members of an arbitration commission may or may not be arbitrators.

The members of the first arbitration commission shall be nominated through consultation by government departments of legal affairs, economy and trade, economic restructuring, justice, industry and commerce, science and technology, and construction, and by organizations such as the China Council for the Promotion of International Trade and federations of industry and commerce, and shall be appointed by the municipal people's government.

(4) An arbitration commission shall have one secretary-general. The secretary-general may be concurrently held by a full-time resident member.

(5) An arbitration commission shall establish a working organ responsible for handling matters such as acceptance of arbitration cases, service of arbitration documents, archives management, and collection and management of arbitration fees. The daily work of the working organ shall be in the charge of the secretary-general of the arbitration commission.

The establishment and staffing of the working organ shall follow the principles of streamlining and efficiency. In the initial period of establishment of an arbitration commission, the working organ should not be staffed



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with too many personnel. Later, as the workload of arbitration increases, personnel may be appropriately increased.

The staff of the working organ shall possess good ideological quality and professional competence and shall be employed on a merit basis.

### III. Arbitrators

(1) An arbitration commission shall not have full-time arbitrators.

(2) Arbitrators shall be appointed by the arbitration commission re-established in accordance with law.

An arbitration commission shall appoint arbitrators mainly from among persons within the province, autonomous region or municipality directly under the Central Government who satisfy the provisions of Article 13 of the Arbitration Law.

State public servants and staff of organs implementing the state public servant system by reference who satisfy the conditions of Article 13 of the Arbitration Law may, with the consent of their units, be appointed as arbitrators, but they may not affect their own work as a result of engaging in arbitration work.

An arbitration commission shall establish rosters of arbitrators according to different specialties.

(3) Arbitrators handling arbitration cases shall be paid remuneration by the arbitration commission in accordance with the provisions of the arbitration rules. Arbitrators who do not handle arbitration cases may not obtain remuneration or other fees.

### IV. Staffing, Funding and Premises of Arbitration Commissions

In the initial period of establishment of an arbitration commission, the municipal people's government of the place where it is located shall, by reference to the provisions on public institutions, resolve the staffing, funding and premises of the arbitration commission. An arbitration commission shall gradually achieve self-financing.

### V. Transition Between Newly Established Arbitration Commissions and Existing Arbitration Institutions

(1) In appointing arbitrators and employing staff of the working organ, priority shall be given to qualified arbitrators and staff of existing arbitration institutions.

(2) Where the parties concluded an arbitration agreement before the lawful termination of an existing arbitration institution, and after the lawful termination of the existing arbitration institution they conclude a supplementary agreement selecting a new arbitration commission, they may apply for arbitration to the newly selected arbitration commission in accordance with the Arbitration Law; where the parties fail to reach a supplementary agreement, the original arbitration agreement shall be invalid.

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