

# CIETAC 2020 Work Report and 2021 Work Plan-Work Report-China International Economic and Trade Arbitration Commission

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## I. 2020 Work Report

**1. The year 2020 saw a steady growth of the number and the quality of cases. Multiple measures were taken to reduce the adverse impact of the epidemic, arbitration business achieved new success.**

(1) Caseload increased steadily. Over the course of 2020, CIETAC accepted 3,615 new cases (a year-on-year growth of 8.5%). The total amount in dispute exceeded RMB100 billion again, reaching RMB112.13 billion. The number of cases in process was 3,148 (a year-on-year growth of 34%). 2,892 cases were concluded, with a year-over-year decline of 8%.

A total of 143 cases of domain name disputes were accepted. Of those, 59 cases involved the .cn domain name disputes, 84 cases involved the gTLD disputes, and 116 cases were concluded.

(2) The cases were more international in nature. The number of foreign-related cases was 739, a year-on-year growth of 20%; and the amount in dispute of those cases reached RMB37.79 billion, approximately the same as last year. The number of cases where both parties were non-Chinese parties reached a new height of 67, with the amount in dispute of RMB3.73 billion (a year-on-year growth of 23.9%). The parties involved were from 76 jurisdictions, four more than last year. There were 76 appointments of foreign arbitrators in 72 cases. In 102 cases, English, or both English and Chinese were agreed as the arbitration languages. A wide range of governing law was chosen, including the law of Hong Kong, Cayman Islands, South Korea and England.

A total of 31 cases applied the arbitration rules of other institutions and CIETAC Financial Dispute Arbitration Rules with the parties' agreement.

(3) The complexity and amount in dispute increased. In 2020, 502 cases involved multiple contracts, 915 cases involved more than two parties. Cases with disputed amount over RMB 100 million totaled 203, 14 of which were cases with disputed amount over RMB 1,000 million.

(4) The types of disputes were diversified, with 21 types in total. A trend of increase has been witnessed in new types of dispute, such as disputes arising from equity investment, equity transfer, innovative finance and different types of services agreements.

**2. The quality and efficiency of case management continued to be reinforced.**

(1) Multiple measures were taken to promote the efficiency of arbitration procedure. In response to the occurrence of COVID-19 pandemic, CIETAC took the lead to release a series of documents, including the "Emergency Notice on Arrangements under the Prevention and Control of Coronavirus Epidemic", " Guidelines on Proceeding with Arbitration Actively and Properly during the COVID-19 Pandemic (Trial) ", and "Provisions on Virtual Hearings (Trial)" in order to reduce the adverse influence of the pandemic to arbitration proceedings and meanwhile ensure the safety of participating parties therein. In 2020, over 150,000 procedural orders in English and Chinese, 60 jurisdictional decisions and 28 decisions on challenging of arbitrators were made. 3,265 tribunals were formed, 5,213 appointment/selection of arbitrators were made, 2,298 hearings were held. 2,752 draft awards were scrutinized. Meetings of the expert advisory committee were held for four times, focusing on the discussion of major and difficult cases to promote the efficiency of arbitration procedure.

(2) Smart online system greatly facilitated arbitration procedure. Online filing was introduced to more parties, while the virtual hearing system was newly built and applied. In 2020, 819 cases were filed online (628 cases more than last year) and 347 cases were heard virtually, marking significant increase. CIETAC is also working on the construction of an integrated, convenient, multi-interface case management system.

### **3. The internal system and institutional construction were further perfected to improve competitiveness effectively.**

(1) Firmly promoting the reform on internal system and regulations. CIETAC has been committed to implementing the principles of the Opinions of the General Office of the CPC Central Committee and the General Office of the State Council on Perfecting the Arbitration System and Improving the Credibility of Arbitration ("Opinions"), strengthening coordination, organizing discussions, and steadily promoting the reform.

(2) Formulating and revising internal rules and regulations, including the Rules for Supervising the Arbitration Cases, the Code of Conduct for the Arbitrators, the Provisions on the Engagement of Arbitrators and other normative documents, to improve the compliance of arbitrators and case managers with professional ethics and conducts, to strengthen the institutional development and build up the effective supervision mechanism.

(3) Reinforcing the capacity-building for arbitrators and case managers. CIETAC sets a high threshold for selecting arbitrators. Two training activities for arbitrator selection were organized in 2020 to prepare for the renewal of Panel of Arbitrators. In face of potential corruption risks, CIETAC fulfilled the supervision function by sending letters of reminder or even warnings to arbitrators, so as to remind the arbitrators to handle the case in an independent, impartial and honest way. Internal seminars were organized regularly among case managers, to improve their professional knowledge and raise their sense of responsibility and awareness of service.

(4) Focusing on the selection and training of young talents. CIETAC newly recruited 12 case managers in 2020 to promote the capacity of the team. CIETAC also selected outstanding young staff to work at various positions, and sent qualified ones abroad for further education.

(5) Completing the construction of the network of Sub-Commissions. In 2020, CIETAC Hainan Center was established to serve the development of Hainan Free Trade Port, and the Xiongan Sub-Commission was established to serve the Millennium Plan of Xiongan New Area.

#### **4. Great efforts were made on the promotion work of arbitration, to serve the increasing need of both domestic and international parties.**

(1) In 2020, CIETAC organized important arbitration events and provided a platform for high-end international arbitration communications. A series of influential activities such as China Arbitration Week and China Arbitration Summit were successfully held. Gao Yan, Chairperson of China Council for the Promotion of International Trade (CCPIT), Yang Wanming, Vice President of the Supreme People's Court (SPC), and Li Chenggang, Assistant Minister of Ministry of Commerce attended the China Arbitration Summit. The China Arbitration Summit has honorably had Anna JOUBIN-BRET, Secretary of the United Nations Commission on International Trade Law (UNCITRAL), Meg KINNEAR, Vice President of World Bank Group and Secretary General of ICSID, and Lucy REED, President of the International Council for Commercial Arbitration (ICCA) to give speeches. There were more than 1.4 million visits to the live broadcast of the Summit, coming from nearly 40 countries and regions. China Arbitration Week went abroad for the first time, holding online and offline activities in 8 countries and regions and 30 arbitration seminars in 12 cities across China. It manifested CIETAC's leading role as a representative international arbitration institution in promoting world economic and trade development and anti-epidemic cooperation in the international arbitration community, which was highly recognized in China and abroad.

The 18th "CIETAC Cup" International Commercial Arbitration Moot was successfully held online for the first time. The scale of the competition reached a new height. More than 700 contestants from 69 universities competed in the event. 238 professionals from 22 countries and regions judged in 145 sessions.

(2) Exchanges and communications were made with the Ministry of Justice, Ministry of Commerce, Securities Regulatory Commission and other provincial and municipal government departments, industry associations, dispute resolution institutions, key industries and law firms, in order to join forces to create friendly business environment. In 2020, CIETAC signed strategic cooperation agreements with bar associations of five northwestern provinces, business associations and arbitration and mediation institutions to improve its service and promote high-quality development of arbitration.

(3) Research on preventing legal risks under the epidemic were conducted intensively. CIETAC established the special column "Together We Fight, Together We Win—legal risk prevention against the epidemic", and organized expert groups in nine key industry

sectors including international trade, international engineering, PPP, energy, intellectual property, finance, insurance, entertainment to put forward suggestions from a variety of perspectives. Experts in arbitration were also invited to provide professional support for enterprises to prevent various legal risks under the epidemic in over 150 reports.

(4) The serial online lecture "CIETAC Live" was successfully organized, of which the "Civil Code Series" broadcasted nine lectures to study the Civil Code with the public, eight sessions of "Legal Business Environment on Mainland China" were held to support the construction of cross-strait business environment. Moreover, more than a hundred arbitration seminars were held online and offline to create a new platform for communication and publicity.

## **5. Participated in activities held by the Supreme People's Court to promote a better judicial environment for arbitration.**

(1) CIETAC, at the Supreme People's Court's (SPC) invitation, attended the Second Seminar of the International Commercial Experts Committee of the SPC and the Appointment Ceremony of International Commercial Experts, the Signing Ceremony of Supplementary Arrangement Concerning Mutual Enforcement of Arbitral Awards between the Mainland and Hong Kong SAR, and the press conference for the release of "SPC Judicial Review of Commercial Arbitration Annual Report (2019)", which was held by the SPC for the first time. ,

(2) CIETAC had meetings with the First and Second International Commercial Courts of the Supreme People's Court, Beijing High Court, and other high courts and intermediate courts on issues related to the judicial review of arbitration. These activities provided opportunities for exchanges, helped create a better judicial environment for arbitration and promoted the construction of a diversified dispute resolution mechanism.

(3) Reinforced the academic and practical research on arbitration. In 2020, CIETAC published the Chinese and English version of "China International Commercial Arbitration Annual Report (2019-2020)" and "Annual Report on Foreign-related Arbitration (2019)", "Study on International Arbitration System in Countries Along the Belt and Road (V)", "Selected Cases of Equity Transfer Arbitration" and "Arbitration and Law (quarterly)". CIETAC also put forward opinions and suggestions on the amendment of China Arbitration Law, engaging in the construction of arbitration legal system in China.

## **6. International arbitration exchanges were actively carried out, cementing the position of CIETAC in the international arbitration community.**

(1) CIETAC promoted the establishment of the cooperation mechanism for the Beijing Joint Declaration on the Belt and Road Arbitration Institutions ("Beijing Declaration"). CIETAC, together with 30 arbitration institutions from home and abroad, is working on building a new platform for worldwide cooperation.

(2) CIETAC was invited to join the "Arbitration and COVID-19" initiative launched by 13 international dispute resolution institutions to promote international cooperation in arbitration under the epidemic.

(3) CIETAC attended, upon invitation, the 53rd Annual Conference of UNCITRAL and introduced the effective measures taken by China and CIETAC against the epidemic, receiving great comments from the participants. CIETAC also participated as an observer in the Working Group II, Working Group III and Working Group IV of UNCITRAL, on topics such as expedited arbitration, reform on investor-state dispute settlement regime and e-commerce.

(4) CIETAC maintained information communication with 82 international arbitration institutions during the pandemic and provided medical supplies as needed to strengthen international cooperation.

(5) CIETAC also promoted international cooperation by jointly organizing conferences and events, including the 2020 "Belt and Road" International Commercial Arbitration High-Level Dialogue with ICC Arbitration Court, the 2020 Joint Conference on "International Dispute Resolution in the Context of the COVID-19" with Singapore International Arbitration Centre, the online seminar on "Sino-German Practice in Commercial Arbitration" with Vienna International Arbitration Centre and German Institution of Arbitration, the conference with Young International Council for Commercial Arbitration, the online meeting with Madrid International Arbitration Center, and more than 10 online joint meetings with other international arbitration institutions.

## **II. Work Plan for 2021**

**1. Promote further reform and development.** In line with the spirit of the Opinions and international practices, CIETAC will push forward the internal reform, and adjust the priority of its work with the situation in the development of arbitration business at home and abroad.

**2. Modernize the operation and management of the institution.** In accordance with the requirement of the Opinions, the principle of separation and counterbalance of decision-making power, execution power and supervision power shall be followed by arbitration commissions. CIETAC will continue to promote the reform of internal operation and management system of the institution, complete the construction of sub-commissions, and give full play to the role of overseas sub-commissions in international development.

**3. Improve the efficiency of case management and enhance the credibility of arbitration.** CIETAC will conduct further research and revision on the arbitration rules, upgrade the service of the smart arbitration system, use advanced technology such as big data to study new cases and new types of dispute, and optimize the case management procedures in order to improve the overall quality of arbitration services. . CIETAC will

also make efforts to promote the diversity of arbitrators on the Panel of Arbitrators, and conduct systematic training and supervision on arbitrators and case managers for the improvement of quality and efficiency of case handling.

**4. Innovate the services and contribute to the “opening-up”.** Under the background of the "14th Five-Year Plan" and the long-term goals to 2035, CIETAC will explore to develop its business in emerging fields, and continue to provide good services in traditional industries. . Continuous efforts will be made in organizing brand arbitration activities, such as China Arbitration Week, China Arbitration Summit and “CIETAC Cup” international commercial and investment arbitration moot etc.

**5. Continue to conduct academic research on arbitration theory and contribute to the improvement of the arbitration legal system.** In light of the advantages and experience in international arbitration, CIETAC will continue to conduct research on arbitration theory and practice, publish annual reports and journals on international arbitration, publish typical cases, actively participate in the amendment of the China Arbitration Law and the exchange with judicial and legislative departments, and make contribution to the overall development of arbitration legal system in China.

**6. Strengthen international exchanges and cooperation.** CIETAC will further promote the establishment of the cooperation mechanism under the Beijing Declaration, participate in international arbitration events and conferences, and strengthen exchanges with international organizations and arbitration institutions, so as to achieve consensus and strengthen cooperation.

In the new year, CIETAC will march forward with enthusiasm and resolution to open up a new prospect of the work, and to promote the high-quality development of Chinese arbitration.