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Arbitration Law of the People's Republic of China
Enacted by: Standing Committee of the National People's Congress

[Arbitration Law of the People's Republic of China \(2025\)](#)

1 September 2017

(Adopted at the Ninth Session of the Standing Committee of the Eighth National People's Congress [on 31 August 1994](#) First amended pursuant to [the Decision on Amending Certain Laws](#) adopted at the 10th Session of the Standing Committee of the 11th National People's Congress on 27 August 2009 Amended for the second time pursuant to the Decision on Amending the Judges Law of the People's Republic of China and Seven Other Laws adopted at the 29th Session of the Standing Committee of the Twelfth National People's Congress on

Second Amendment [pursuant to the Decision on Amending Eight Laws including the Judges Law of the People's Republic of China](#))

Chapter I General Provisions

Article 1 This Law is enacted to ensure the fair and timely arbitration of economic disputes, protect the lawful rights and interests of the parties concerned, and safeguard the sound development of the socialist market economy.

Article 2 Contractual disputes and other disputes concerning property rights and interests arising between citizens, legal persons, and other organisations as equal parties may be submitted to arbitration.

Article 3 The following disputes shall not be subject to arbitration:

- (1) Disputes concerning marriage, adoption, guardianship, maintenance, or inheritance;
- (2) Administrative disputes that shall be handled by administrative organs in accordance with the law.

Article 4 Where parties seek to resolve disputes through arbitration, both must voluntarily enter into an arbitration agreement. Where no such agreement exists and one party applies for arbitration, the arbitration commission shall decline to accept the case.

Article 5 Where parties have concluded an arbitration agreement and one party files a lawsuit with the People's Court, the People's Court shall not accept the case, except where the arbitration agreement is invalid.

Article 6 The arbitration commission shall be selected by agreement between the parties. Arbitration shall not be subject to hierarchical or territorial jurisdiction.

Article 7 Arbitration shall resolve disputes fairly and reasonably based on the facts and in accordance with the law.

Article 8 Arbitration shall be conducted independently in accordance with the law, free from interference by administrative organs, social organisations, or individuals.

Article 9 Arbitration shall be final and conclusive. Where, after an award has been made, a party applies for arbitration or brings proceedings before a People's Court in respect of the same dispute, the arbitration commission or the People's Court shall not accept the case.

Where an award is set aside or refused enforcement by a People's Court in accordance with the law, the parties may apply for arbitration based on a new arbitration agreement reached between them, or may bring proceedings before a People's Court.

Chapter II Arbitration Committees and Arbitration Associations

Article 10 Arbitration committees may be established in municipalities directly under the Central Government and in cities where the people's governments of provinces and autonomous regions are located. They may also be established in other cities with districts as necessary, without being established at each level of administrative division.

Arbitration committees shall be established by the people's governments of the cities specified in the preceding paragraph, in coordination with relevant departments and chambers of commerce. The establishment of an arbitration committee shall be registered with the judicial administrative department of the province, autonomous region, or municipality directly under the central government. **Article 11** An arbitration committee shall meet the following requirements:

- (1) Have their own name, registered office and articles of association;
- (2) Sufficient assets;
- (3) Members constituting the committee;
- (iv) Appointed arbitrators.

The constitution of an arbitration committee shall be formulated in accordance with this Law.

Article 12 The Arbitration Commission shall comprise one Chairperson, two to four Deputy Chairpersons, and seven to eleven members.

The Chairman, Deputy Chairmen and members of the Arbitration Commission shall be legal and economic trade experts and persons with practical work experience. Legal and economic trade experts shall constitute no less than two-thirds of the members of the Arbitration Commission.

Article 13 The Arbitration Commission shall appoint arbitrators from among persons of integrity and impartiality. Arbitrators shall meet one of the following criteria:

- (1) Having passed the National Unified Legal Professional Qualification Examination to obtain legal professional qualification, and having engaged in arbitration work for a full eight years;
- (2) Having practised as a solicitor for at least eight years;
- (3) Having served as a judge for at least eight years;
- (iv) Have engaged in legal research or teaching work and hold a senior professional title;
- (v) Possess legal knowledge and have engaged in professional work in economic trade or other fields, holding a senior professional title or possessing equivalent professional competence. The arbitration commission shall maintain a roster of arbitrators organised by different professional fields.

Article 14 The Arbitration Commission shall be independent of administrative organs and shall have no subordinate relationship with them. There shall be no subordinate relationship between Arbitration Commissions.

Article 15 The China Arbitration Association is a social organisation with legal personality. Arbitration committees are members of the China Arbitration Association. The Articles of Association of the China Arbitration Association shall be formulated by its National Members' Assembly.

The China Arbitration Association serves as the self-regulatory body for arbitration committees, exercising oversight over disciplinary violations by arbitration committees, their members, and arbitrators in accordance with its Articles of Association.

The China Arbitration Association shall formulate arbitration rules in accordance with the provisions of this Law and the relevant provisions of the Civil Procedure Law.

Chapter III Arbitration Agreement

Article 16 An arbitration agreement shall include an arbitration clause stipulated in a contract and an agreement to request arbitration reached in other written forms either before or after the occurrence of a dispute.

An arbitration agreement shall contain the following elements:

- (1) An expression of intent to submit the dispute to arbitration;
- (2) The subject matter of arbitration;
- (iii) The selected arbitration commission.

Article 17 An arbitration agreement shall be invalid in any of the following circumstances:

- (1) Where the matters agreed to be arbitrated exceed the scope of arbitration prescribed by law;
- (2) Where the arbitration agreement is concluded by a person who lacks full capacity for civil conduct or a person with limited capacity for civil conduct;
- (3) Where one party has coerced the other into concluding the arbitration agreement through the use of duress.

Article 18 Where an arbitration agreement fails to specify or contains ambiguous provisions regarding the subject matter of arbitration or the arbitration commission, the parties may enter into a supplementary agreement. Should no supplementary agreement be reached, the arbitration agreement shall be deemed invalid.

Article 19 The arbitration agreement shall exist independently. The amendment, termination, rescission or invalidity of the contract shall not affect the validity of the arbitration agreement. The arbitral tribunal shall have the authority to determine the validity of the contract.

Article 20 Where a party objects to the validity of an arbitration agreement, it may request the arbitration commission to make a determination or request the people's court to make a ruling. Where one party requests the arbitration commission to make a determination and the other party requests the people's court to make a ruling, the matter shall be determined by the people's court.

Any objection to the validity of the arbitration agreement shall be raised before the first hearing of the arbitral tribunal.

Chapter IV Arbitration Procedure

Section I Application and Acceptance

Article 21 An application for arbitration by a party shall satisfy the following conditions:

- (1) An arbitration agreement exists;
- (2) Specific claims for arbitration, along with the relevant facts and grounds;
- (iii) The matter falls within the jurisdiction of the arbitration commission.

Article 22 When applying for arbitration, a party shall submit the arbitration agreement, the arbitration application and a copy thereof to the arbitration commission.

Article 23 The arbitration application shall specify the following particulars:

- (1) The name, gender, age, occupation, place of employment and domicile of the parties; or the name, domicile and name and position of the legal representative or principal responsible person of the legal person or other organisation;

(2) The arbitration claims and the facts and grounds on which they are based;

(iii) Evidence and its sources, and the names and addresses of witnesses.

Article 24 Within five days of receiving the arbitration application, the arbitration commission shall accept it if it meets the conditions for acceptance and notify the parties; if it does not meet the conditions for acceptance, it shall notify the parties in writing that it will not accept the application and state the reasons.

Article 25 Upon accepting the arbitration application, the Arbitration Commission shall, within the time limit prescribed by the arbitration rules, serve the arbitration rules and the list of arbitrators on the claimant, and serve a copy of the arbitration application, together with the arbitration rules and the list of arbitrators, on the respondent.

Upon receiving the copy of the arbitration application, the respondent shall submit a statement of defence to the arbitration commission within the time limit prescribed by the arbitration rules. Upon receiving the statement of defence, the arbitration commission shall serve a copy thereof on the claimant within the time limit prescribed by the arbitration rules. Failure by the respondent to submit a statement of defence shall not affect the progress of the arbitration proceedings.

Article 26 Where parties have concluded an arbitration agreement, and one party brings proceedings before a People's Court without declaring the existence of such agreement, the People's Court shall dismiss the claim if the other party submits the arbitration agreement before the first hearing, except where the arbitration agreement is invalid. Where the other party fails to raise an objection to the People's Court's acceptance of the case before the first hearing, it shall be deemed to have waived the arbitration agreement, and the People's Court shall continue with the proceedings.

Article 27 The claimant may waive or amend the arbitration claim. The respondent may admit or deny the arbitration claim and shall have the right to submit a counterclaim.

Article 28 Where a party's conduct or other circumstances may render an award unenforceable or difficult to enforce, that party may apply for property preservation.

Where a party applies for property preservation, the arbitration commission shall submit the application to the people's court in accordance with the relevant provisions of the Civil Procedure Law. Where the application is erroneous, the applicant shall compensate the respondent for any losses incurred as a result of the property preservation.

Article 29 Parties or their legal representatives may authorise solicitors or other agents to conduct arbitration proceedings. Where solicitors or other agents are authorised to conduct arbitration proceedings, a letter of authorisation shall be submitted to the arbitration commission.

Section II Composition of the Arbitral Tribunal

Article 30 The arbitral tribunal may consist of three arbitrators or one arbitrator. Where it consists of three arbitrators, a presiding arbitrator shall be appointed.

Article 31 Where the parties agree that the arbitral tribunal shall consist of three arbitrators, each party shall appoint one arbitrator or request the Director of the Arbitration Commission to appoint one arbitrator. The third arbitrator shall be jointly appointed by the parties or jointly requested to be appointed by the Director of the Arbitration Commission. The third arbitrator shall be the presiding arbitrator.

Where the parties agree that the tribunal shall consist of one arbitrator, the arbitrator shall be jointly selected by the parties or jointly entrusted to the Director of the Arbitration Commission for appointment.

Article 32 Where the parties fail to agree on the composition of the arbitral tribunal or to appoint arbitrators within the time limit prescribed by the arbitration rules, the arbitrators shall be appointed by the chairperson of the arbitration commission.

Article 33 Upon the constitution of the arbitral tribunal, the arbitration commission shall notify the parties in writing of the composition of the tribunal.

Article 34 An arbitrator shall recuse themselves in any of the following circumstances, and a party shall also have the right to apply for their recusal:

(1) Being a party to the case or a close relative of a party or their representative;

(2) Has an interest in the case;

(iii) Where the arbitrator has other relationships with a party or representative to the case that may affect impartial arbitration;

(iv) They have privately met with a party or representative, or accepted hospitality or gifts from a party or representative.

Article 35 A party applying for recusal shall state the grounds for such application and submit it before the first hearing. Where the grounds for recusal become known after the first hearing, the application may be submitted before the conclusion of the final hearing.

Article 36 The decision on whether an arbitrator shall recuse themselves shall be made by the chairperson of the arbitration committee; where the chairperson of the arbitration committee serves as an arbitrator, the decision shall be made collectively by the arbitration committee.

Article 37 Where an arbitrator is unable to perform his or her duties due to recusal or other reasons, a new arbitrator shall be selected or appointed in accordance with the provisions of this Law.

Following the reappointment or designation of an arbitrator due to recusal, a party may request that the arbitration proceedings already conducted be repeated. The arbitral tribunal shall decide whether to grant such a request; alternatively, the arbitral tribunal may itself decide whether to repeat the proceedings already conducted.

Article 38 Where an arbitrator falls under the circumstances specified in Article 34(4) of this Law and the circumstances are serious, or where an arbitrator falls under the circumstances specified in Article 58(6) of this Law, the arbitrator shall bear legal liability in accordance with the law, and the arbitration commission shall remove the arbitrator from office.

Section III Hearing and Award

Article 39 Arbitration shall be conducted in open court. Where the parties agree not to hold a hearing, the arbitral tribunal may render an award based on the statement of claim, the statement of defence and other materials.

Article 40 Arbitration proceedings shall not be conducted in public. Where the parties agree to public proceedings, they may be conducted in public, except where state secrets are involved.

Article 41 The arbitration commission shall notify both parties of the hearing date within the time limit prescribed by the arbitration rules. A party may, for justifiable reasons, request a postponement of the hearing within the time limit prescribed by the arbitration rules. The decision on whether to postpone shall be made by the arbitral tribunal.

Article 42 Where the claimant, having been notified in writing, fails to appear without justifiable cause or withdraws from the hearing without the tribunal's permission, the claim may be deemed withdrawn.

Where the respondent, having been notified in writing, fails to attend without justifiable cause or withdraws from the hearing without the permission of the arbitral tribunal, an award may be made in absentia.

Article 43 The parties shall furnish evidence in support of their claims. Where the arbitral tribunal deems it necessary to collect evidence, it may do so of its own accord.

Article 44 Where the arbitral tribunal deems it necessary to obtain an expert opinion on a specialised matter, it may refer the matter to an expert appraisal department agreed upon by the parties, or appoint an expert appraisal department itself.

At the request of a party or the tribunal, the expert body shall dispatch an expert to attend the hearing. With the tribunal's permission, parties may question the expert.

Article 45 Evidence shall be produced during the hearing, and the parties may cross-examine it.

Article 46 Where evidence may be lost or become difficult to obtain subsequently, a party may apply for preservation of evidence. Where a party applies for preservation of evidence, the arbitration commission shall submit the application to the basic-level people's court where the evidence is located.

Article 47 The parties shall have the right to present arguments during the arbitration proceedings. Upon the conclusion of arguments, the presiding arbitrator or sole arbitrator shall solicit the parties' final statements.

Article 48 The arbitral tribunal shall record the proceedings in minutes. Where a party or other participant in the arbitration considers that there are omissions or errors in the record of their statements, they shall have the right to apply for rectification. If rectification is not granted, the application shall be recorded.

The minutes shall be signed or sealed by the arbitrators, the recorder, the parties, and other participants in the arbitration.

Article 49 After applying for arbitration, the parties may settle the dispute amicably. Where a settlement agreement is reached, they may request the arbitral tribunal to render an award based on the settlement agreement, or may withdraw the arbitration application.

Article 50 Where a party who has reached a settlement agreement and withdrawn the arbitration application subsequently changes their mind, they may apply for arbitration in accordance with the arbitration agreement.

Article 51 The arbitral tribunal may conduct mediation prior to rendering an award. Where the parties voluntarily agree to mediation, the tribunal shall conduct mediation. Where mediation fails, the tribunal shall promptly render an award.

Where mediation results in an agreement, the arbitral tribunal shall prepare a mediation document or render an award based on the terms of the agreement. The mediation document and the award shall have equal legal effect.

Article 52 The mediation document shall specify the arbitration claims and the outcome agreed by the parties. It shall be signed by the arbitrators, bear the seal of the arbitration commission, and be served on both parties.

The mediation document shall take legal effect upon receipt and signature by both parties.

Where a party reneges before signing the mediation document, the arbitral tribunal shall promptly render an award.

Article 53 The award shall be made in accordance with the opinion of the majority of arbitrators, and the dissenting opinions of the minority arbitrators may be recorded in the minutes. Where the arbitral tribunal is unable to form a majority opinion, the award shall be made in accordance with the opinion of the presiding arbitrator.

Article 54 The award shall state the arbitration claim, the facts of the dispute, the reasons for the award, the outcome of the award, the allocation of arbitration costs, and the date of the award. Where the parties agree not to state the facts of the dispute and the reasons for the award, these may be omitted. The award shall be signed by the arbitrators and bear the seal of the arbitration commission. Arbitrators who disagree with the award may sign or refrain from signing.

Article 55 Where, in adjudicating a dispute, part of the facts are already clear, the arbitral tribunal may render an award on that part first.

Article 56 Where the award contains clerical or computational errors, or omits matters already adjudicated by the tribunal, the tribunal shall rectify such errors or omissions. A party may request the tribunal to rectify such errors or omissions within thirty days of receiving the award.

Article 57. The award shall take legal effect from the date of its issuance.

Chapter V Application for Setting Aside an Award

Article 58 Where a party submits evidence proving that the award falls under any of the following circumstances, it may apply to the Intermediate People's Court at the location of the arbitration commission for the award to be set aside:

- (1) There is no arbitration agreement;
- (2) The matters adjudicated fall outside the scope of the arbitration agreement or the arbitration commission lacks jurisdiction to arbitrate;
- (iii) The composition of the arbitral tribunal or the arbitral proceedings violated statutory procedures;
- (iv) The evidence relied upon in the award is forged;
- (v) The opposing party concealed evidence that could have affected the fairness of the award;
- (vi) Where an arbitrator, in arbitrating the case, has solicited or accepted bribes, acted in collusion with a party, or rendered an unjust award.

Where a People's Court, upon examination by a collegiate panel, verifies that the award falls under any of the circumstances specified in the preceding paragraph, it shall rule to set aside the award. Where the People's Court determines that the award contravenes public interest, it shall rule to set aside the award.

Article 59 A party applying for the setting aside of an award shall do so within six months of receiving the award.

Article 60 The People's Court shall, within two months of accepting the application for setting aside the award, make a ruling to set aside the award or dismiss the application.

Article 61 Where, after accepting an application for setting aside an award, the People's Court considers that the matter may be re-arbitrated by the arbitral tribunal, it shall notify the arbitral tribunal to re-arbitrate within a specified period and shall make a ruling to stay the setting aside proceedings. Where the arbitral tribunal refuses to re-arbitrate, the People's Court shall make a ruling to resume the setting aside proceedings.

Chapter VI Enforcement

Article 62 The parties shall perform the award. Where one party fails to perform, the other party may apply to the people's court for enforcement in accordance with the relevant provisions of the Civil Procedure Law. The people's court receiving the application shall enforce the award.

Article 63 Where the respondent submits evidence demonstrating that the award falls under any of the circumstances specified in the second paragraph of Article 213 of the Civil Procedure Law, the People's Court shall, upon examination and verification by a collegiate panel, issue a ruling refusing enforcement.

Article 64 Where one party applies for enforcement of an award and another party applies for its revocation, the People's Court shall rule to stay enforcement.

Where the people's court rules to set aside the award, it shall rule to terminate the enforcement. Where the application to set aside the award is dismissed, the people's court shall rule to resume enforcement.

Chapter VII Special Provisions on Foreign-Related Arbitration

Article 65 The arbitration of disputes arising from foreign-related economic, trade, transport and maritime matters shall be governed by the provisions of this Chapter. Where no provision is made in this Chapter, other relevant provisions of this Law shall apply.

Article 66 Foreign-related arbitration committees may be established by the China Chamber of International Commerce. A foreign-related arbitration committee shall comprise one chairperson, several vice-chairpersons and several members.

The Chairman, Deputy Chairmen and members of the foreign-related arbitration commission may be appointed by the China Chamber of International Commerce.

Article 67 The Foreign-related Arbitration Commission may appoint arbitrators from among foreign nationals possessing specialised knowledge in fields such as law, economics and trade, or science and technology.

Article 68 Where a party to foreign-related arbitration applies for preservation of evidence, the Foreign-related Arbitration Commission shall submit the application to the Intermediate People's Court where the evidence is located.

Article 69 The arbitral tribunal in foreign-related arbitration may record the proceedings in full or in summary form. The summary record may be signed or sealed by the parties and other participants in the arbitration.

Article 70 Where a party submits evidence proving that an international arbitration award falls under any of the circumstances specified in Article 258(1) of the Civil Procedure Law, the People's Court shall, upon examination and verification by a collegiate panel, issue a ruling to set aside the award.

Article 71 Where the respondent submits evidence proving that the foreign-related arbitration award falls under any of the circumstances specified in Article 258(1) of the Civil Procedure Law, the people's court shall, upon examination and verification by a collegiate panel, issue a ruling refusing enforcement.

Article 72 Where a legally effective arbitration award rendered by a foreign-related arbitration commission is sought to be enforced by a party, and the party against whom enforcement is sought or its property is not within the territory of the People's Republic of China, the party shall apply directly to the competent foreign court for recognition and enforcement.

Article 73 Rules for foreign-related arbitration may be formulated by the China Council for International Trade in accordance with the relevant provisions of this Law and the Civil Procedure Law.

Chapter VIII Supplementary Provisions

Article 74 Where the law provides for a limitation period for arbitration, such provisions shall apply. Where the law does not provide for a limitation period for arbitration, the provisions on limitation periods for litigation shall apply.

Article 75 Prior to the formulation of arbitration rules by the China Arbitration Association, arbitration committees may establish provisional arbitration rules in accordance with the relevant provisions of this Law and the Civil Procedure Law.

Article 76 The parties shall pay arbitration fees in accordance with the prescribed rules. The method of collecting arbitration fees shall be reported to the price administration department for approval.

Article 77 Separate provisions shall govern the arbitration of labour disputes and disputes concerning agricultural contracting agreements within agricultural collective economic organisations.

Article 78 Where provisions concerning arbitration formulated prior to the implementation of this Law conflict with the provisions of this Law, this Law shall prevail.

Article 79 Arbitration institutions established prior to the implementation of this Law in municipalities directly under the Central Government, cities where provincial or autonomous regional people's governments are located, and other cities with districts shall be reorganised in accordance with the relevant provisions of this Law; those not reorganised shall cease to exist upon the expiry of one year from the date of implementation of this Law.

Other arbitration institutions established prior to the implementation of this Law that do not comply with its provisions shall cease to exist upon the commencement of this Law.

Article 80 This Law shall come into force on 1 September 1995.

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