

Decision of the government administration council of the central people's government concerning the establishment of a foreign trade arbitration commission within the China council for the promotion of international trade

(Adopted on May 6, 1954 at the 215th Session of the Government Administration Council)

With a view to settling by way of Arbitration any dispute that may arise in relation to foreign trade, it is necessary to set up an arbitral body within a social organization concerned with foreign trade. It is hereby decided as follows:

1. There shall be established within the China Council for the Promotion of International Trade a Foreign Trade Arbitration Commission (hereinafter referred to as the Arbitration Commission) to settle such disputes as may arise from contracts and transactions in foreign trade, particularly disputes between foreign firms, companies or other economic organizations on the one hand and Chinese firms, companies or other economic organizations on the other.
2. The Arbitration Commission exercises jurisdiction for the arbitration of disputes in foreign trade in accordance with the relevant contracts, agreements and/or other documents concluded between the disputing parties.
3. The Arbitration Commission shall be composed of 15 to 21 members to be selected and appointed by the China Council for the Promotion of International Trade for a term of one year from among persons having special knowledge and experience in foreign trade, commerce, industry, agriculture, transportation, insurance and other related matters as well as in law.
4. The Arbitration Commission shall elect a Chairman and two Deputy Chairmen from among its members.
5. When a case of dispute is submitted for arbitration, the disputing parties shall each choose an arbitrator from among the members of the Arbitration Commission. The arbitrators so chosen shall jointly select a presiding arbitrator from among the members of the Arbitration Commission to act jointly with the arbitrators. The disputing parties may also joint choose a sole arbitrator from among the members of the Arbitration Commission to act singly.

The disputing parties shall choose the arbitrators within the time fixed by the Arbitration Commission or agreed upon between the parties, and the arbitrators so chosen shall also select the presiding arbitrator within the time fixed by the Arbitration Commission. If one of the parties fail to choose an arbitrator within the prescribed time limit, the Chairman of the Arbitration Commission shall, upon the request of the other party, appoint the arbitrator on the former's behalf. In case the arbitrators so chosen or appointed cannot agree upon the choice of the presiding arbitrator within the prescribed time limit, the Chairman of the Arbitration Commission shall select a presiding arbitrator for them.

6. Either of the parties in dispute may authorize the Arbitration Commission to choose for him an arbitrator who shall, jointly with the arbitrator chosen by the other party, select a presiding arbitrator to arbitrate the disputed case in association with the arbitrators. If, by mutual agreement, both parties jointly delegate the choice of arbitrators to the Arbitration Commission, the Chairman of the Arbitration Commission may appoint a sole arbitrator to conduct the proceedings singly.
7. The disputing parties may appoint attorneys to defend their interests during the proceedings of a case before the Arbitration Commission.

Such attorneys may be citizens of the People's Republic of China or foreign citizens.

8. During the proceedings of a case, the Arbitration Commission may, for the purpose of safeguarding the interests of the disputing parties, prescribe provisional measures concerning the materials, property rights and/or other matters appertaining to the parties.

9. To compensate for the costs of arbitration, the Arbitration Commission may collect a fee not exceeding one per cent of the amount of the claim.

10. The award given by the Arbitration Commission is final and neither party shall bring an appeal for revision before a court of law or any other organization.

11. The award of the Arbitration Commission shall be executed by the parties themselves within the time fixed by the award. In case an award is not executed after the expiration of the fixed time, the People's Courts of the People's Republic of China shall, upon the request of one of the parties, enforce it in accordance with law.

12. Rules concerning the Procedure of Arbitration shall be made by the China Council for the Promotion of International Trade.