What does CIETAC mean to its users?

Dr. WANG Wenying
Secretary General
CIETAC Hong Kong Arbitration Center
China International Economic and Trade Arbitration Commission; Established under CCPIT in 1956

Court of Arbitration of CCOIC in 2000

Initial purpose was for settling disputes arising from foreign-related transactions. By revising its rules in 2000, CIETAC expended its scope of cases to the extent that includes not only foreign-related but also domestic cases

Independently and impartially resolves economic and trade disputes by arbitration
Who is CIETAC

- CIETAC is the biggest arbitration commission in the Mainland with about one hundred supporting staff and more than 1000 arbitrators.

- The total amount of claim in the arbitration cases adopted by CIETAC is, for many years, the biggest among the arbitration institutions in the Mainland.

- CIETAC has received the largest caseload of international arbitration among arbitration institutions in the Mainland; and

- the Rules and practice of CIETAC significantly influenced not only the draft of the Chinese Arbitration Law but also the rules and practice of Chinese arbitration commissions.
CIETAC structure

- **Headquarter in Beijing**
- **Three** sub-commissions/center (SW, TJ, and HK)
- **Two** newly established offices (SH, SZ)
Cases administered by CIETAC

<table>
<thead>
<tr>
<th></th>
<th>2012</th>
<th>2013</th>
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</thead>
<tbody>
<tr>
<td>cases</td>
<td>1060</td>
<td>1256</td>
</tr>
<tr>
<td>foreign related cases</td>
<td>331</td>
<td>375</td>
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<tr>
<td>countries involved</td>
<td>46</td>
<td>56</td>
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What can CIETAC offer

● Institutional arbitration service provider

➢ more and more cases where both parties came from foreign countries or regions

➢ more and more cases where parties have special agreement over the language of arbitration and the formation of tribunal

➢ more and more foreign arbitrators appear in cases as party-appointed arbitrators or the presiding arbitrators
What can CIETAC offer

● Arbitration & ADR Rules provider
  - CIETAC Arbitration Rules
  - CIETAC Financial Disputes Arbitration Rules
  - CIETAC Online Arbitration Rules
  - CIETAC Construction Dispute Review Rules （Trial）

● Think tank
  - Providing to the legislature for its reference legal opinions and advice on relevant legislation and amendments to the law
  - Making researches in and promoting commercial arbitration and other alternative dispute resolution
  - Fostering domestic and international exchange and cooperation in arbitration and participating arbitration activities at home and abroad
What can CIETAC offer

- **Internationalized and experienced** with a history of 58 years

- Comparatively low cost and quick process
- Combination of arbitration with mediation
- A list of diversified and experienced arbitrators
- Appointing process that gives the parties more freedom of choice
- A team of experienced case-managers/secretaries
What can CIETAC offer

- Party autonomy is highly respected

  - Venue of hearing
  - Seat of arbitration
  - Language
  - Choice and variation of rules
  - Agreement on the nationality of arbitrators
  - Methods of hearing
    - Oral hearing or documents only
    - Inquisitorial or adversarial approach
  - Applicable laws
• first overseas branch of CIETAC
• adopts the existing CIETAC arbitration rules
• to receive the cases of “arbitration in CIETAC Hong Kong Arbitration Center” or “arbitration in CIETAC Hong Kong”
• to provide assistance, such as arranging oral hearings
• the arbitration seat is Hong Kong
• Hong Kong Arbitration Ordinance and Hong Kong Arbitration related laws should be complied with
Differences:

• doctrine of competence-competence
  arbitral tribunal under CIETAC HK can rule on its jurisdiction
• interim measures (IM)
  arbitral tribunal can grant injunction orders called (IM)
• Open panel
• Emergency arbitrator
• Hong Kong court’s assistance
THANK YOU

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