



# 中国海事仲裁委员会

CHINA MARITIME ARBITRATION COMMISSION

## **Articles of Association of China Maritime Arbitration Commission**

(Revised and Approved by the 18th Members' Council of CMAC)

(Amended on November 6, 2020)

### Chapter I General Provisions

Article 1 China Maritime Arbitration Commission (hereinafter referred to as CMAC) is a permanent arbitration institution established in 1959 within the China Council for the Promotion of International Trade (China Chamber of International Commerce) upon the approval of the Central People's Government of the People's Republic of China in 1959 to resolve admiralty, maritime, logistics and other disputes independently.

Article 2 Previously named the "Maritime Arbitration Commission of the China Council for the Promotion of International Trade".

Article 3 CMAC is based in Beijing.

### Chapter II Main Functions

Article 4 Main functions of CMAC include:

1. Taking cognizance of international, foreign-related and domestic arbitration cases arising from admiralty, maritime, logistics and other disputes among natural persons, legal persons and other organizations as equal parties;
2. Providing resolution services for other disputes that the parties have agreed to refer to CMAC;
3. Providing relevant services for institutional and non-institutional arbitration upon the request or agreement of the parties, such as appointing arbitrators, etc.;
4. Participating in, organizing and coordinating relevant public legal affairs;
5. Conducting research and promotion of commercial arbitration and other alternative dispute resolution mechanisms;
6. Conducting legal training and business exchange of arbitration, and participating in activities organized by relevant organizations in and out of China.

### Chapter III Organizational Structure

Article 5 CMAC is composed of one Chairman, a number of Vice Chairmen and a number of Commission Members, who are experts and distinguished persons in relevant fields engaged by the China Council for the Promotion of International Trade (China

Chamber of International Commerce). They shall serve a term of three years, subject to adjustment when necessary.

Article 6 CMAC has one Honorary Chairman and a number of advisors, who shall be relevant well-known personages invited by the China Council for the Promotion of International Trade (China Chamber of International Trade).

Article 7 CMAC shall establish special committees according to the needs of the work.

Article 8 CMAC shall have one Secretary-General, who is employed by CMAC to take charge of the day-to day running of CMAC.

Article 9 CMAC shall have an Arbitration Court and a Secretariat.

Article 10 CMAC has its Shanghai Headquarters in Shanghai and may establish branches as Sub-commissions and Arbitration Centers in qualified cities to meet the needs of its business development.

#### Chapter IV Members' Council

Article 11 The Members' Council shall be composed of the CMAC Chairman, the Vice Chairmen, the Secretary-General and the Commission Members. Its main functions and duties are:

1. To review and approve the Articles of Associations of CMAC;
2. To review and approve the Annual Work Report of CMAC;
3. To discuss important matters such as the working guidelines and policies of CMAC and adopt corresponding resolutions; and
4. To discuss and adopt resolutions on other important issues referred to it by the Chairman's Council.

Article 12 The Member's Council shall meet once a year and shall be presided over by the Chairman or the authorized Vice Chairman. Interim meetings may be held when necessary.

Article 13 A resolution of the Members' Council shall be valid only if it is consented to by the majority. The Commission Members may submit written opinions, which shall have the same effect as the opinion of the Members in attendance.

#### Chapter V Chairman's Council

Article 14 The Chairman's Council shall be composed of the Chairman, Vice Chairmen and the Secretary-General of CMAC, which shall be responsible for the running of CMAC and shall perform the relevant functions and duties of the Members' Council when the latter is in recess. The Chairman's Council shall also perform the following duties:

1. To review and approve the Arbitration Rules, other rules of dispute resolution and their amendments;
2. To consider and determine the appointments and terminations of appointment of arbitrators;

3. To consider and determine the scope of authorization to the Arbitration Court and the Secretariat;
4. To consider and determine other matters.

Article 15 The Chairman's Council shall meet twice a year in principle and shall be presided over by the Chairman or the authorized Vice Chairman.

Article 16 A resolution of the Chairman's Council shall be valid if it is consented to by the majority. Members of the Chairman's Council may submit written opinions, which shall have the same effect as the opinions of the members in attendance.

#### Chapter VI Special Committees

Article 17 CMAC establishes the following special committees:

1. The Expert Advisory Committee, which shall study and provide advices on complicated procedural and substantive issues of arbitration cases;
2. The Arbitrators Qualification Review Committee, which shall provide comments and suggestions on issues such as the review of the arbitrators' credentials, the appointment of the arbitrators, and the training and appraisal of the arbitrators; and
3. The Case Compilation Committee, which shall be responsible for the compilation of arbitration cases.

CMAC may establish other special committees according to the needs of the work.

Article 18 Each special committee shall have one Committee Chairman, one or two Vice Committee Chairmen and several Committee Members, who shall be engaged by CMAC.

#### Chapter VII Arbitration Court

Article 19 The Arbitration Court shall take charge of the procedural administration of the arbitration cases accepted by CMAC. The Arbitration Court shall have one President.

1. To administer international, foreign-related and domestic arbitration cases of admiralty, maritime, logistics and other disputes;
2. To provide procedural administration services for dispute resolutions as maritime mediation and the mediation in maritime litigation;
3. To provide procedural administration services for other alternative dispute resolutions;
4. To conduct research on arbitration and other alternative dispute resolutions;
5. To conduct promotion and development activities for arbitration and other alternative dispute resolutions; and
6. To take charge of other business of CMAC.

#### Chapter VIII Secretariat

Article 20 The Secretariat shall be responsible for the management of internal daily administrative matters of CMAC, and public legal affairs that CMAC shall participate in,

organize and coordinate. The Secretariat shall work under the direction of the Secretary-General.

The main functions and duties of the Secretariat are:

1. To organize the implementation of the CMAC annual work Plan;
2. To organize the transition and the secretarial work of the Members' Council of CMAC;
3. To conduct training, supervision and management of the arbitrators;
4. To provide suggestions and advice to legislative bodies on the amendment of the maritime legislations and participate in the drafting of international arbitration laws and regulations;
5. To manage the financial revenue and expenditure of CMAC; and
6. To undertake other matters assigned by CMAC.

#### Chapter IX Branches and other organizations

Article 21 The Shanghai Headquarters/Sub-Commissions/Arbitration Centers are branches of CMAC. Their establishment shall be reported by CMAC to the China Council for the Promotion of International Trade (China Chamber of International Commerce) for approval and their operation shall be directly led by CMAC. CMAC shall make regulations on the management of its branches.

Article 22 The Shanghai Headquarters/a Sub-Commission/Arbitration Center shall have a Secretary-General, who is engaged by CMAC to take charge of the daily work of the Shanghai Headquarters/Sub-Commission/Arbitration Center.

Article 23 The Shanghai Headquarters/a Sub-Commission/Arbitration Center shall have an Arbitration Court with a President engaged by CMAC.

Upon the authorization of CMAC, the Arbitration Court of the Shanghai Headquarters/a Sub-Commission/Arbitration Center shall be in charge of the following matters:

1. To administer the procedures of arbitration cases according to the Arbitration Rules;
2. To provide procedural administrative services for other alternative dispute resolutions;
3. To conduct training, promotion and development of arbitration;
4. To report regularly to CMAC about the work status and other matters that needs to be reported; and
5. To undertake other matters assigned by CMAC.

Article 24 Other organizations established by CMAC include:

1. Arbitration offices, which are the liaison and promotion organs of CMAC that shall perform relevant functions in accordance with the authorization of CMAC.
2. Maritime mediation centers, which shall provide procedural administration services for maritime mediation in accordance with the authorization of CMAC.

3. Arbitration centers of specific industries, which shall provide resolution services for disputes in the specific industries according to the authorization of CMAC.

The establishment of all the above bodies shall be reported by CMAC to the China Council for the Promotion of International Trade (China Chamber of International Commerce) for approval, and the persons-in-charge shall be engaged by CMAC.

#### Chapter X Arbitration Rules and other Rules of Dispute Resolution

Article 25 CMAC shall make arbitration rules, which shall apply to arbitration cases accepted by CMAC.

Article 26 CMAC may make arbitration rules of specific industries to be applied to arbitration cases of specific industries.

Article 27 CMAC may make other rules of dispute resolution to be applied to resolve other disputes.

Article 28 The draft and amendment of the arbitration rules and other rules of dispute resolution shall be reviewed and passed by the Chairman's Council and shall come into force after being approved by the China Council for the Promotion of International Trade (China Chamber of International Commerce).

#### Chapter XI Arbitrators and Experts of other Dispute Resolution

Article 29 CMAC shall have a Panel of Arbitrators to be applied to arbitration cases accepted by CMAC.

Article 30 CMAC may have Panels of Arbitrators of specific industries to be applied to arbitration cases of specific industries.

Article 31 CMAC may have Panels of Experts of other dispute resolution to be applied to other disputes.

Article 32 After being reviewed and passed by the Arbitrators Qualification Review Committee, arbitrators shall be approved by the Chairman's Council and be appointed to the Panel by CMAC.

Experts of other dispute resolution shall be appointed by CMAC.

#### Chapter XII Finance

Article 33 The funding of CMAC come (comes) from:

1. Arbitration fees paid by the parties;
2. Incomes from organizing events or providing other services;
3. Government sponsorship and public donations; and
4. Other lawful incomes.

Article 34 The expenditures of CMAC are:

1. Case administrative costs;
2. Daily clerical costs;
3. Cost for promotion activities; and

4. Other necessary costs.

#### Chapter XIII Supplementary Articles

Article 35 These Articles of Association shall be interpreted by CMAC.

Article 36 These Articles of Association were approved by the 18th Members' Council of CMAC and submitted to the China Council for the Promotion of International Trade (China Chamber of International Commerce) for record on September 5, 2014, and shall come into force as from January 1, 2015.