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中华人民共和国仲裁法（2025 修订）

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The Arbitration Law of the People's Republic of China, revised and adopted at the 17th Session of the Standing Committee of the Fourteenth National People's Congress of the People's Republic of China on September 12, 2025, is hereby promulgated and shall come into force on March 1, 2026.

中华人民共和国主席 习近平

Xi Jinping, President of the People's Republic of China

2025 年 9 月 12 日

September 12, 2025

中华人民共和国仲裁法

Arbitration Law of the People's Republic of China

（1994 年 8 月 31 日第八届全国人民代表大会常务委员会第九次会议通过 根据 2009 年 8 月 27 日第十一届全国人民代表大会常务委员会第十次会议《关于修改部分法律的决定》第一次修正 根据 2017 年 9 月 1 日第十二届全国人民代表大会常务委员会第二十九次会议《关于修改〈中华人民共和国法官法〉等八部法律的决定》第二次修正 2025 年 9 月 12 日第十四届全国人民代表大会常务委员会第十七次会议修订）

(Adopted at the 9th Session of the Standing Committee of the Eighth National People's Congress on August 31, 1994; amended for the first time in accordance with the Decision on Amending Certain Laws adopted at the 10th Session of the Standing Committee of the Eleventh National People's Congress on August 27, 2009; amended for the second time in accordance with the Decision on Amending Eight Laws Including the Judges Law of the People's Republic of China adopted at the 29th Session of the Standing Committee of the Twelfth National People's Congress on September 1, 2017; and revised at the 17th Session of the Standing Committee of the Fourteenth National People's Congress on September 12, 2025)

第一章 总 则

Chapter I General Provisions

第一条 为了保证公正、及时仲裁经济纠纷，保护当事人的合法权益，保障社会主义市场经济健康发展，制定本法。

Article 1 This Law is formulated for the purposes of ensuring the fair and timely arbitration of economic disputes, protecting the legitimate rights and interests of the parties, and safeguarding the sound development of the socialist market economy.

第二条 仲裁事业的发展贯彻落实中国共产党和国家的路线方针政策、决策部署，服务国家高质量发展和高水平对外开放，营造市场化、法治化、国际化营商环境，发挥化解经济纠纷的作用。

Article 2 The development of the arbitration undertaking shall implement the guidelines, principles, policies, decisions, and plans of the Communist Party of China and the State, serve the State's high-quality development and high-level opening-up, foster a market-oriented, law-based, and internationalized business environment, and play its role in resolving economic disputes.

第三条 平等主体的自然人、法人、非法人组织之间发生的合同纠纷和其他财产权益纠纷，可以仲裁。

Article 3 Contractual disputes and other disputes over property rights and interests arising between natural persons, legal persons, and unincorporated organizations that are equal subjects may be submitted to arbitration.

下列纠纷不能仲裁：

The following disputes may not be submitted to arbitration:

（一）婚姻、收养、监护、扶养、继承纠纷；

(1) Disputes over marriage, adoption, guardianship, maintenance, or succession;

（二）依法应当由行政机关处理的行政争议。

(2) Administrative disputes that shall be handled by administrative organs in accordance with the law.

第四条 当事人选择仲裁方式解决纠纷，应当遵循自愿原则，达成仲裁协议。没有仲裁协议，一方申请仲裁的，仲裁机构不予受理。

Article 4 Where the parties choose arbitration as the means of resolving their dispute, they shall follow the principle of voluntariness and conclude an arbitration agreement. In the absence of an arbitration agreement, the arbitration institution shall not accept an application for arbitration filed by one party.

第五条 当事人达成仲裁协议，一方向人民法院提起诉讼的，人民法院不予受理，但仲裁协议无效或者法律另有规定的除外。

Article 5 Where the parties have concluded an arbitration agreement and one party brings a lawsuit before a people's court, the people's court shall not accept the case, unless the arbitration agreement is invalid or the law provides otherwise.

第六条 仲裁机构应当由当事人协议选定。

Article 6 The arbitration institution shall be chosen by agreement of the parties.

仲裁不实行级别管辖和地域管辖。

Arbitration is not subject to hierarchical jurisdiction or territorial jurisdiction.

第七条 仲裁应当根据事实，符合法律规定，公平合理地解决纠纷。

Article 7 Arbitration shall be conducted on the basis of facts and in conformity with the provisions of law, and disputes shall be resolved fairly and reasonably.

第八条 仲裁应当遵循诚信原则。

Article 8 Arbitration shall adhere to the principle of good faith.

第九条 仲裁依法独立进行，不受行政机关、社会团体和个人的干涉。

Article 9 Arbitration shall be conducted independently in accordance with the law, free from interference by administrative organs, social organizations, or individuals.

第十条 仲裁实行一裁终局的制度。裁决作出后，当事人就同一纠纷再申请仲裁或者向人民法院提起诉讼的，仲裁机构或者人民法院不予受理。

Article 10 Arbitration follows the system of a single and final award. After an award is made, where a party applies for arbitration again or brings a lawsuit before a people's court in respect of the same dispute, the arbitration institution or the people's court shall not accept it.

裁决被人民法院依法裁定撤销或者不予执行的，当事人就该纠纷可以根据双方重新达成的仲裁协议申请仲裁，也可以向人民法院提起诉讼。

Where an award is set aside or refused enforcement by a ruling of a people's court in accordance with the law, the parties may, in respect of that dispute, apply for arbitration on the basis of a newly concluded arbitration agreement, or bring a lawsuit before a people's court.

第十一条 仲裁活动可以通过信息网络在线进行，但当事人明确表示不同意的除外。

Article 11 Arbitration proceedings may be conducted online through information networks, unless the parties expressly disagree.

仲裁活动通过信息网络在线进行的，与线下仲裁活动具有同等法律效力。

Arbitration proceedings conducted online through information networks have the same legal effect as offline arbitration proceedings.

第十二条 国家支持仲裁机构加强与境外仲裁机构和有关国际组织的交流合作，积极参与国际仲裁规则的制定。

Article 12 The State supports arbitration institutions in strengthening exchanges and cooperation with arbitration institutions outside China and relevant international organizations, and in actively participating in the formulation of international arbitration rules.

第二章 仲裁机构、仲裁员和仲裁协会

Chapter II Arbitration Institutions, Arbitrators, and the Arbitration Association

第十三条 仲裁机构可以在直辖市和省、自治区人民政府所在地的市设立，也可以根据需要在其他设区的市设立，不按行政区划层层设立。

Article 13 Arbitration institutions may be established in municipalities directly under the Central Government and in the cities where the people's governments of provinces and autonomous regions are located, and may also be established in other cities divided into districts as needed; they shall not be established level by level according to administrative divisions.

仲裁机构由前款规定的市的人民政府组织有关部门和商会统一组建，属于公益性非营利法人。

Arbitration institutions shall be organized and established uniformly by the people's governments of the cities specified in the preceding paragraph together with the relevant departments and chambers of commerce, and are public-welfare non-profit legal persons.

第十四条 依据本法第十三条设立的仲裁机构，应当经省、自治区、直辖市人民政府司法行政部门登记。

Article 14 An arbitration institution established pursuant to Article 13 of this Law shall be registered with the justice administrative department of the people's government of the province, autonomous region, or municipality directly under the Central Government.

经国务院批准由中国国际商会组织设立的仲裁机构向国务院司法行政部门备案。

An arbitration institution organized and established by the China Chamber of International Commerce with the approval of the State Council shall be filed with the justice administrative department of the State Council.

仲裁机构登记管理的具体办法由国务院制定。

Specific measures for the registration and administration of arbitration institutions shall be formulated by the State Council.

第十五条 仲裁机构应当具备下列条件：

Article 15 An arbitration institution shall meet the following conditions:

（一）有自己的名称、住所和章程；

(1) Having its own name, domicile, and articles of association;

（二）有必要的财产；

(2) Having the necessary property;

（三）有符合本法规定的组成人员；

(3) Having constituent members meeting the requirements of this Law;

（四）有聘任的仲裁员。

(4) Having engaged arbitrators.

仲裁机构的章程应当依照本法制定。

The articles of association of an arbitration institution shall be formulated in accordance with this Law.

第十六条 仲裁机构变更名称、住所、章程、法定代表人、组成人员的，应当提出申请，依法办理变更登记。

Article 16 Where an arbitration institution changes its name, domicile, articles of association, legal representative, or constituent members, it shall file an application and complete the modification registration in accordance with the law.

第十七条 仲裁机构终止的，依法办理注销登记。

Article 17 Where an arbitration institution is terminated, it shall complete the deregistration in accordance with the law.

第十八条 仲裁机构的组成人员包括主任一人、副主任二至四人和委员七至十一人。

Article 18 The constituent members of an arbitration institution shall comprise one chairperson, two to four vice-chairpersons, and seven to eleven members.

仲裁机构的组成人员由法律、经济贸易、科学技术专家和有实际工作经验的人员担任。仲裁机构的组成人员中，法律、经济贸易、科学技术专家不得少于三分之二。

The constituent members of an arbitration institution shall be experts in law, economy and trade, and science and technology, and persons with practical work experience. Among the constituent members of an arbitration institution, experts in law, economy and trade, and science and technology shall not be fewer than two-thirds.

仲裁机构的组成人员每届任期五年，任期届满的应当依法换届，更换不少于三分之一的组成人员。

The constituent members of an arbitration institution serve a term of five years per session; upon expiry of the term, a new session shall be lawfully elected, with no fewer than one-third of the constituent members replaced.

第十九条 仲裁机构应当依照法律法规和章程规定，建立健全内部治理结构，明确决策、执行、监督等方面的职责权限和程序。

Article 19 An arbitration institution shall, in accordance with laws, regulations, and its articles of association, establish and improve its internal governance structure, and clarify the responsibilities, powers, and procedures for decision-making, execution, supervision, and other aspects.

仲裁机构应当建立健全民主议事、人员管理、收费与财务管理、文件管理、投诉处理等制度。

An arbitration institution shall establish and improve systems for democratic deliberation, personnel management, fee and financial management, document management, complaint handling, and the like.

仲裁机构应当加强对组成人员、工作人员及仲裁员的监督，对其在仲裁活动中的违法违规行为及时依法调查处理；需要追究法律责任的，及时移送有关机关予以处理。

An arbitration institution shall strengthen the supervision of its constituent members, staff, and arbitrators, and promptly investigate and handle, in accordance with the law, their violations of law or discipline in arbitration activities; where legal liability needs to be pursued, the matter shall be promptly transferred to the relevant organ for handling.

第二十条 仲裁机构应当建立信息公开制度，及时向社会公开章程、登记备案、仲裁规则、仲裁员名册、服务流程、收费标准、年度业务报告和财务报告等信息，主动接受社会监督。

Article 20 An arbitration institution shall establish an information disclosure system, promptly disclose to the public its articles of association, registration and filing information, arbitration rules, panel (roster) of arbitrators,

service procedures, fee standards, annual business reports, financial reports, and other information, and voluntarily accept public supervision.

第二十一条 仲裁机构聘任的仲裁员应当公道正派，具备良好的专业素质，勤勉尽责，清正廉明，恪守职业道德。

Article 21 Arbitrators engaged by an arbitration institution shall be impartial and upright, possess good professional competence, be diligent and responsible, honest and clean, and abide by professional ethics.

第二十二条 仲裁员应当符合下列条件之一：

Article 22 An arbitrator shall meet one of the following conditions:

（一）通过国家统一法律职业资格考试取得法律职业资格，从事仲裁工作满八年的；

(1) Having obtained the legal professional qualification through the unified national legal professional qualification examination and having been engaged in arbitration work for at least eight years;

（二）律师执业满八年的；

(2) Having practiced as a lawyer for at least eight years;

（三）曾任法官、检察官满八年的；

(3) Having served as a judge or prosecutor for at least eight years;

（四）从事法律研究、教学工作并具有高级职称的；

(4) Being engaged in legal research or teaching and holding a senior professional title;

（五）具有法律知识，从事法律、经济贸易、海事海商、科学技术等专业工作，并具有高级职称或者具有同等专业水平的。

(5) Possessing legal knowledge and being engaged in professional work in law, economy and trade, maritime affairs, science and technology, or other fields, and holding a senior professional title or possessing an equivalent professional level.

《中华人民共和国监察官法》、《中华人民共和国法官法》、《中华人民共和国检察官法》等法律规定有关公职人员不得兼任仲裁员的，依照其规定；其他公职人员兼任仲裁员的，应当遵守有关规定。

Where laws such as the Supervisory Officers Law of the People's Republic of China, the Judges Law of the People's Republic of China, and the Prosecutors Law of the People's Republic of China provide that relevant public officials shall not concurrently serve as arbitrators, such provisions shall apply; other public officials concurrently serving as arbitrators shall comply with the relevant provisions.

仲裁机构可以从具有法律、经济贸易、海事海商、科学技术等专门知识的境外人士中聘任仲裁员。

An arbitration institution may engage arbitrators from among persons outside China with specialized knowledge in law, economy and trade, maritime affairs, science and technology, or other fields.

第二十三条 仲裁机构按照不同专业设仲裁员名册。

Article 23 An arbitration institution shall maintain rosters of arbitrators according to different specialties.

仲裁员有被开除公职、吊销律师执业证书或者被撤销高级职称等不再具备担任仲裁员条件情形的，仲裁机构应当将其除名。

Where an arbitrator has been dismissed from public office, had his or her lawyer's practice license revoked, had his or her senior professional title withdrawn, or otherwise no longer meets the conditions for serving as an arbitrator, the arbitration institution shall remove him or her from the roster.

第二十四条 仲裁机构独立于行政机关，与行政机关没有隶属关系。

Article 24 Arbitration institutions are independent of administrative organs and have no subordinate relationship with administrative organs.

仲裁机构之间没有隶属关系。

There is no subordinate relationship among arbitration institutions.

第二十五条 中国仲裁协会是社会团体法人。仲裁机构是中国仲裁协会的会员。中国仲裁协会的章程由全国会员大会制定。

Article 25 The China Arbitration Association is a social organization legal person. Arbitration institutions are members of the China Arbitration Association. The articles of association of the China Arbitration Association shall be formulated by the national members' assembly.

中国仲裁协会是仲裁机构的自律性组织，根据章程对仲裁机构及其组成人员、工作人员，以及仲裁员在仲裁活动中的行为进行监督。

The China Arbitration Association is a self-disciplinary organization of arbitration institutions and shall, in accordance with its articles of association, supervise the conduct of arbitration institutions and their constituent members and staff, as well as arbitrators, in arbitration activities.

中国仲裁协会依照本法和《中华人民共和国民事诉讼法》的有关规定制定示范仲裁规则。

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

第二十六条 国务院司法行政部门依法指导、监督全国仲裁工作，完善相关工作制度，统筹规划仲裁事业发展。

Article 26 The justice administrative department of the State Council shall, in accordance with the law, guide and supervise the arbitration work nationwide, improve the relevant working systems, and make overall plans for the development of the arbitration undertaking.

省、自治区、直辖市人民政府司法行政部门依法指导、监督本行政区域内仲裁工作。

The justice administrative departments of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall, in accordance with the law, guide and supervise the arbitration work within their respective administrative regions.

第三章 仲裁协议

Chapter III Arbitration Agreements

第二十七条 仲裁协议包括合同中订立的仲裁条款和以其他书面方式在纠纷发生前或者纠纷发生后达成的请求仲裁的协议。

Article 27 An arbitration agreement includes an arbitration clause concluded in a contract and an agreement to submit a dispute to arbitration concluded in other written form before or after the dispute arises.

仲裁协议应当具有下列内容：

An arbitration agreement shall contain the following:

（一）请求仲裁的意思表示；

(1) An expression of intent to submit to arbitration;

（二）仲裁事项；

(2) The matters to be arbitrated;

（三）选定的仲裁机构。

(3) The arbitration institution chosen.

一方当事人在申请仲裁时主张有仲裁协议，另一方当事人在首次开庭前不予否认的，经仲裁庭提示并记录，视为当事人之间存在仲裁协议。

Where one party asserts the existence of an arbitration agreement when applying for arbitration and the other party does not deny it before the first hearing, upon being reminded by the arbitral tribunal with a record made, an arbitration agreement shall be deemed to exist between the parties.

第二十八条 有下列情形之一的，仲裁协议无效：

Article 28 An arbitration agreement shall be invalid under any of the following circumstances:

（一）约定的仲裁事项超出法律规定的仲裁范围；

(1) The matters agreed upon for arbitration exceed the scope of arbitration prescribed by law;

（二）无民事行为能力人或者限制民事行为能力人订立的仲裁协议；

(2) The arbitration agreement was concluded by a person without or with limited capacity for civil conduct;

（三）一方采取胁迫手段，迫使对方订立仲裁协议。

(3) One party, by means of coercion, forced the other party to conclude the arbitration agreement.

第二十九条 仲裁协议对仲裁事项或者仲裁机构没有约定或者约定不明确的，当事人可以补充协议；达不成补充协议的，仲裁协议无效。

Article 29 Where an arbitration agreement contains no agreement or an unclear agreement on the matters to be arbitrated or on the arbitration institution, the parties may conclude a supplementary agreement; if no supplementary agreement can be reached, the arbitration agreement shall be invalid.

第三十条 仲裁协议独立存在。合同是否成立及其变更、不生效、终止、被撤销或者无效，不影响已经达成的仲裁协议的效力。

Article 30 An arbitration agreement exists independently. Whether a contract is formed, or its modification, non-effectiveness, termination, rescission, or invalidity, shall not affect the validity of the arbitration agreement already concluded.

仲裁庭有权确认合同的效力。

The arbitral tribunal has the power to confirm the validity of the contract.

第三十一条 当事人对仲裁协议的效力有异议的，可以请求仲裁机构或者仲裁庭作出决定，也可以请求人民法院作出裁定。一方请求仲裁机构或者仲裁庭作出决定，另一方请求人民法院作出裁定的，由人民法院裁定。

Article 31 Where a party disputes the validity of an arbitration agreement, it may request the arbitration institution or the arbitral tribunal to make a decision, or request a people's court to make a ruling. Where one party requests the arbitration institution or the arbitral tribunal to make a decision while the other party requests a people's court to make a ruling, the people's court shall make the ruling.

当事人对仲裁协议的效力有异议，应当在仲裁庭首次开庭前提出。

A party disputing the validity of an arbitration agreement shall raise the objection before the first hearing of the arbitral tribunal.

第四章 仲裁程序

Chapter IV Arbitral Proceedings

第一节 申请和受理

Section 1 Application and Acceptance

第三十二条 当事人申请仲裁应当符合下列条件：

Article 32 A party applying for arbitration shall satisfy the following conditions:

（一）有仲裁协议；

(1) There is an arbitration agreement;

（二）有具体的仲裁请求和事实、理由；

(2) There are specific arbitration claims and facts and grounds;

（三）属于仲裁机构的受理范围。

(3) The matter falls within the scope of acceptance of the arbitration institution.

第三十三条 当事人申请仲裁，应当向仲裁机构递交仲裁协议、仲裁申请书及副本。

Article 33 A party applying for arbitration shall submit to the arbitration institution the arbitration agreement, the application for arbitration, and copies thereof.

第三十四条 仲裁申请书应当载明下列事项：

Article 34 The application for arbitration shall specify the following matters:

（一）当事人的姓名、性别、年龄、职业、工作单位、住所、联系方式，法人或者非法人组织的名称、住所和法定代表人或者主要负责人的姓名、职务、联系方式；

(1) The name, gender, age, occupation, employer, domicile, and contact information of each party, or the name and domicile of the legal person or unincorporated organization and the name, position, and contact information of its legal representative or principal person in charge;

（二）仲裁请求和所根据的事实与理由；

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

（三）证据和证据来源，证人姓名和住所。

(3) The evidence and its sources, and the names and domiciles of witnesses.

第三十五条 仲裁机构收到仲裁申请书之日起五日内，认为符合受理条件的，应当受理，并通知申请人；认为不符合受理条件的，应当书面通知申请人不予受理，并说明理由。

Article 35 Within five days of receiving the application for arbitration, the arbitration institution shall, if it considers that the conditions for acceptance are met, accept the case and notify the applicant; if it considers that the conditions for acceptance are not met, it shall notify the applicant in writing of the non-acceptance, with reasons stated.

第三十六条 仲裁机构受理仲裁申请后，应当在仲裁规则规定的期限内将仲裁规则和仲裁员名册送达申请人，并将仲裁申请书副本和仲裁规则、仲裁员名册送达被申请人。

Article 36 After accepting an application for arbitration, the arbitration institution shall, within the time limit prescribed by the arbitration rules, serve the arbitration rules and the roster of arbitrators on the applicant, and

serve a copy of the application for arbitration together with the arbitration rules and the roster of arbitrators on the respondent.

被申请人收到仲裁申请书副本后，应当在仲裁规则规定的期限内向仲裁机构提交答辩书。仲裁机构收到答辩书后，应当在仲裁规则规定的期限内将答辩书副本送达申请人。被申请人未提交答辩书的，不影响仲裁程序的进行。

Upon receiving the copy of the application for arbitration, the respondent shall submit a statement of defense to the arbitration institution within the time limit prescribed by the arbitration rules. Upon receiving the statement of defense, the arbitration institution shall serve a copy thereof on the applicant within the time limit prescribed by the arbitration rules. The failure of the respondent to submit a statement of defense shall not affect the progress of the arbitral proceedings.

第三十七条 当事人达成仲裁协议，一方向人民法院提起诉讼未声明有仲裁协议，人民法院受理后，另一方在首次开庭前提交仲裁协议的，人民法院应当驳回起诉，但仲裁协议无效或者法律另有规定的除外；另一方在首次开庭前未对人民法院受理该案提出异议的，视为放弃仲裁协议，人民法院应当继续审理。

Article 37 Where the parties have concluded an arbitration agreement and one party brings a lawsuit before a people's court without declaring the existence of the arbitration agreement, and after the people's court has accepted the case the other party submits the arbitration agreement before the first hearing, the people's court shall dismiss the action, unless the arbitration agreement is invalid or the law provides otherwise; where the other party has not, before the first hearing, objected to the people's court's acceptance of the case, it shall be deemed to have waived the arbitration agreement, and the people's court shall continue the trial.

第三十八条 申请人可以放弃或者变更仲裁请求。被申请人可以承认或者反驳仲裁请求，有权提出反请求。

Article 38 The claimant may abandon or modify its arbitration claims. The respondent may admit or rebut the arbitration claims and has the right to make counterclaims.

第三十九条 一方当事人因另一方当事人的行为或者其他原因，可能使裁决难以执行或者造成当事人其他损害的，可以申请财产保全、请求责令另一方当事人作出一定行为或者禁止其作出一定行为。当事人申请保全的，仲裁机构应当将当事人的申请依照《中华人民共和国民事诉讼法》的有关规定提交人民法院，人民法院应当依法及时处理。

Article 39 Where, due to the conduct of the other party or other reasons, an award may become difficult to enforce or other damage may be caused to a party, a party may apply for property preservation, or request that the other party be ordered to perform or prohibited from performing certain acts. Where a party applies for preservation, the arbitration institution shall submit the party's application to a people's court in accordance with

the relevant provisions of the Civil Procedure Law of the People's Republic of China, and the people's court shall handle it in a timely manner in accordance with the law.

因情况紧急，仲裁协议的当事人可以在申请仲裁前依照《中华人民共和国民事诉讼法》的有关规定向人民法院申请财产保全、请求责令另一方当事人作出一定行为或者禁止其作出一定行为。当事人申请保全的，人民法院应当依法及时处理。

Where circumstances are urgent, a party to an arbitration agreement may, before applying for arbitration, apply to a people's court for property preservation or request that the other party be ordered to perform or prohibited from performing certain acts, in accordance with the relevant provisions of the Civil Procedure Law of the People's Republic of China. Where a party applies for preservation, the people's court shall handle it in a timely manner in accordance with the law.

申请有错误的，申请人应当赔偿被申请人因保全所遭受的损失。

Where the application is wrongful, the applicant shall compensate the respondent for the losses suffered as a result of the preservation.

第四十条 当事人、法定代理人可以委托律师和其他代理人进行仲裁活动。委托律师和其他代理人进行仲裁活动的，应当向仲裁机构提交授权委托书。

Article 40 The parties and their legal representatives may entrust lawyers and other agents to conduct arbitration activities. Those entrusting lawyers or other agents to conduct arbitration activities shall submit a power of attorney to the arbitration institution.

第四十一条 仲裁文件应当以当事人约定的合理方式送达；当事人没有约定或者约定不明确的，按照仲裁规则规定的方式送达。

Article 41 Arbitration documents shall be served in a reasonable manner agreed upon by the parties; absent such agreement or where the agreement is unclear, service shall be made in the manner prescribed by the arbitration rules.

第二节 仲裁庭的组成

Section 2 Formation of the Arbitral Tribunal

第四十二条 仲裁庭可以由三名仲裁员或者一名仲裁员组成。由三名仲裁员组成的，设首席仲裁员。

Article 42 An arbitral tribunal may consist of three arbitrators or one arbitrator. Where it consists of three arbitrators, a presiding arbitrator shall be designated.

第四十三条 当事人约定由三名仲裁员组成仲裁庭的，应当各自选定或者各自委托仲裁机构主任按照仲裁规则确定的程序指定一名仲裁员；第三名仲裁员由当事人共同选定，也可以由当事人共同委托仲裁机

构主任按照仲裁规则确定的程序指定。当事人约定第三名仲裁员由其各自选定的仲裁员共同选定的，从其约定。第三名仲裁员是首席仲裁员。

Article 43 Where the parties agree that the arbitral tribunal shall consist of three arbitrators, each party shall appoint one arbitrator, or entrust the chairperson of the arbitration institution to appoint one arbitrator in accordance with the procedures determined by the arbitration rules; the third arbitrator shall be jointly appointed by the parties, or may be appointed by the chairperson of the arbitration institution jointly entrusted by the parties in accordance with the procedures determined by the arbitration rules. Where the parties agree that the third arbitrator shall be jointly appointed by the arbitrators each appointed by them, such agreement shall prevail. The third arbitrator is the presiding arbitrator.

当事人约定由一名仲裁员成立仲裁庭的，仲裁员由当事人共同选定，也可以由当事人共同委托仲裁机构主任按照仲裁规则确定的程序指定。

Where the parties agree that the arbitral tribunal shall consist of one arbitrator, the arbitrator shall be jointly appointed by the parties, or may be appointed by the chairperson of the arbitration institution jointly entrusted by the parties in accordance with the procedures determined by the arbitration rules.

第四十四条 当事人没有在仲裁规则规定的期限内约定仲裁庭的组成方式或者选定仲裁员的，由仲裁机构主任按照仲裁规则确定的程序确定或者指定。

Article 44 Where the parties fail, within the time limit prescribed by the arbitration rules, to agree on the manner of constituting the arbitral tribunal or to appoint the arbitrators, the chairperson of the arbitration institution shall determine the manner or make the appointment in accordance with the procedures determined by the arbitration rules.

第四十五条 仲裁员存在可能导致当事人对其独立性、公正性产生合理怀疑情形的，该仲裁员应当及时向仲裁机构书面披露。

Article 45 Where circumstances exist that may give rise to reasonable doubts on the part of the parties as to an arbitrator's independence or impartiality, the arbitrator shall promptly disclose them in writing to the arbitration institution.

仲裁机构应当将仲裁员书面披露情况、仲裁庭的组成情况书面通知当事人。

The arbitration institution shall notify the parties in writing of the arbitrators' written disclosures and the composition of the arbitral tribunal.

第四十六条 仲裁员有下列情形之一的，必须回避，当事人也有权提出回避申请：

Article 46 An arbitrator shall withdraw (recuse himself or herself) under any of the following circumstances, and the parties also have the right to apply for his or her withdrawal:

（一）是本案当事人、代理人，或者当事人、代理人的近亲属；

(1) Being a party or an agent in the case, or a close relative of a party or an agent;

（二）与本案有利害关系；

(2) Having an interest in the case;

（三）与本案当事人、代理人有其他关系，可能影响公正仲裁；

(3) Having other relationships with a party or an agent in the case that may affect impartial arbitration;

（四）私自会见当事人、代理人，或者接受当事人、代理人的请客送礼。

(4) Privately meeting with a party or an agent, or accepting entertainment or gifts from a party or an agent.

第四十七条 当事人提出回避申请，应当说明理由，在首次开庭前提出。回避事由在首次开庭后知道的，可以在最后一次开庭终结前提出。

Article 47 A party applying for withdrawal shall state the reasons and file the application before the first hearing. Where the grounds for withdrawal become known after the first hearing, the application may be filed before the conclusion of the final hearing.

第四十八条 仲裁员是否回避，由仲裁机构主任决定；仲裁机构主任担任仲裁员时，其是否回避由仲裁机构的其他组成人员集体决定。

Article 48 Whether an arbitrator shall withdraw shall be decided by the chairperson of the arbitration institution; where the chairperson of the arbitration institution serves as an arbitrator, the withdrawal shall be decided collectively by the other constituent members of the arbitration institution.

第四十九条 仲裁员因回避或者其他原因不能履行职责的，应当依照本法规定重新选定或者指定仲裁员。

Article 49 Where an arbitrator is unable to perform his or her duties due to withdrawal or other reasons, an arbitrator shall be re-appointed or re-designated in accordance with this Law.

因回避而重新选定或者指定仲裁员后，当事人可以请求已进行的仲裁程序重新进行，是否准许，由仲裁庭决定；仲裁庭也可以自行决定已进行的仲裁程序是否重新进行。

After an arbitrator is re-appointed or re-designated due to withdrawal, the parties may request that the arbitral proceedings already conducted be conducted anew; whether to grant the request shall be decided by the arbitral tribunal. The arbitral tribunal may also decide on its own whether the arbitral proceedings already conducted shall be conducted anew.

第五十条 仲裁员有本法第四十六条第四项规定的情形，情节严重的，或者有本法第七十一条第一款第六项规定的情形的，应当依法承担法律责任，仲裁机构应当将其除名。

Article 50 Where an arbitrator falls under the circumstances specified in Item (4) of Article 46 of this Law and the circumstances are serious, or falls under the circumstances specified in Item (6) of the first paragraph of

Article 71 of this Law, he or she shall bear legal liability in accordance with the law, and the arbitration institution shall remove him or her from the roster.

第三节 开庭和裁决

Section 3 Hearings and Awards

第五十一条 仲裁应当开庭进行。当事人协议不开庭的，仲裁庭可以根据仲裁申请书、答辩书以及其他材料作出裁决。

Article 51 Arbitration shall be conducted through hearings. Where the parties agree that no hearing shall be held, the arbitral tribunal may render an award on the basis of the application for arbitration, the statement of defense, and other materials.

第五十二条 仲裁不公开进行。当事人协议公开的，可以公开进行，但涉及国家秘密、他人的商业秘密或者个人隐私的除外。

Article 52 Arbitration shall not be conducted in public. Where the parties agree to public proceedings, the arbitration may be conducted in public, except where State secrets, the trade secrets of others, or personal privacy are involved.

第五十三条 仲裁机构应当在仲裁规则规定的期限内将开庭日期通知双方当事人。当事人有正当理由的，可以在仲裁规则规定的期限内请求延期开庭。是否延期，由仲裁庭决定。

Article 53 The arbitration institution shall notify both parties of the hearing date within the time limit prescribed by the arbitration rules. A party with legitimate reasons may, within the time limit prescribed by the arbitration rules, request a postponement of the hearing. Whether to postpone shall be decided by the arbitral tribunal.

第五十四条 申请人经书面通知，无正当理由不到庭或者未经仲裁庭许可中途退庭的，可以视为撤回仲裁申请。

Article 54 Where the claimant, having been notified in writing, fails to appear without legitimate reasons or withdraws from the hearing without the permission of the arbitral tribunal, the arbitration application may be deemed withdrawn.

被申请人经书面通知，无正当理由不到庭或者未经仲裁庭许可中途退庭的，可以缺席裁决。

Where the respondent, having been notified in writing, fails to appear without legitimate reasons or withdraws from the hearing without the permission of the arbitral tribunal, a default award may be rendered.

第五十五条 当事人应当对自己的主张提供证据。

Article 55 The parties shall provide evidence for their own claims.

仲裁庭认为有必要收集的证据，可以自行收集；必要时，可以请求有关方面依法予以协助。

Evidence that the arbitral tribunal deems necessary to collect may be collected by the tribunal itself; where necessary, the tribunal may request the assistance of the relevant parties in accordance with the law.

第五十六条 当事人可以就查明事实的专门性问题向仲裁庭申请鉴定。仲裁庭根据当事人的申请或者自行判断认为对专门性问题需要鉴定的，可以交由当事人约定的鉴定人鉴定，也可以由仲裁庭指定的鉴定人鉴定。

Article 56 The parties may apply to the arbitral tribunal for an expert appraisal on specialized issues involved in ascertaining the facts. Where the arbitral tribunal, upon the application of a party or at its own discretion, considers that an expert appraisal is needed for a specialized issue, it may entrust an expert appraiser agreed upon by the parties, or an expert appraiser designated by the arbitral tribunal, to conduct the appraisal.

根据当事人的请求或者仲裁庭的要求，经仲裁庭通知，鉴定人应当参加开庭。当事人经仲裁庭许可，可以向鉴定人提问。

At the request of the parties or the arbitral tribunal, and upon notification by the arbitral tribunal, the expert appraiser shall attend the hearing. With the permission of the arbitral tribunal, the parties may question the expert appraiser.

第五十七条 证据应当在开庭时出示，当事人可以质证。

Article 57 Evidence shall be presented at the hearing, and the parties may cross-examine it.

第五十八条 在证据可能灭失或者以后难以取得的情况下，当事人可以申请证据保全。当事人申请证据保全的，仲裁机构应当将当事人的申请提交证据所在地的基层人民法院，人民法院应当依法及时处理。

Article 58 Where evidence may be destroyed or lost, or may be difficult to obtain at a later time, a party may apply for evidence preservation. Where a party applies for evidence preservation, the arbitration institution shall submit the party's application to the primary people's court at the place where the evidence is located, and the people's court shall handle it in a timely manner in accordance with the law.

因情况紧急，仲裁协议的当事人可以在申请仲裁前依照《中华人民共和国民事诉讼法》的有关规定向人民法院申请证据保全。当事人申请证据保全的，人民法院应当依法及时处理。

Where circumstances are urgent, a party to an arbitration agreement may, before applying for arbitration, apply to a people's court for evidence preservation in accordance with the relevant provisions of the Civil Procedure Law of the People's Republic of China. Where a party applies for evidence preservation, the people's court shall handle it in a timely manner in accordance with the law.

第五十九条 当事人在仲裁过程中有权进行辩论。辩论终结时，首席仲裁员或者独任仲裁员应当征询当事人的最后意见。

Article 59 The parties have the right to present arguments in the course of the arbitration. At the conclusion of the arguments, the presiding arbitrator or the sole arbitrator shall invite the parties to state their final opinions.

第六十条 仲裁庭应当将开庭情况记入笔录。当事人和其他仲裁参与人认为对自己陈述的记录有遗漏或者差错的，有权申请补正。如果不予补正，应当记录该申请。

Article 60 The arbitral tribunal shall record the hearing in the transcript. Where the parties or other participants in the arbitration consider that there are omissions or errors in the record of their own statements, they have the right to apply for corrections. If the corrections are not made, the application shall be recorded.

笔录由仲裁员、记录人员、当事人和其他仲裁参与人签名或者盖章。

The transcript shall be signed or sealed by the arbitrators, the recording personnel, the parties, and other participants in the arbitration.

第六十一条 仲裁庭发现当事人单方捏造基本事实申请仲裁或者当事人之间恶意串通，企图通过仲裁方式侵害国家利益、社会公共利益或者他人合法权益的，应当驳回其仲裁请求。

Article 61 Where the arbitral tribunal discovers that a party has unilaterally fabricated the basic facts in applying for arbitration, or that the parties have maliciously colluded in an attempt to infringe upon national interests, public interests, or the legitimate rights and interests of others by means of arbitration, it shall dismiss the arbitration claims.

第六十二条 当事人申请仲裁后，可以自行和解。达成和解协议的，可以请求仲裁庭根据和解协议作出裁决书，也可以撤回仲裁申请。

Article 62 After applying for arbitration, the parties may reach a settlement on their own. Where a settlement agreement is reached, the parties may request the arbitral tribunal to render an award based on the settlement agreement, or may withdraw the arbitration application.

第六十三条 当事人达成和解协议，撤回仲裁申请后反悔的，可以根据仲裁协议申请仲裁。

Article 63 Where the parties, having reached a settlement agreement, renege after withdrawing the arbitration application, they may apply for arbitration on the basis of the arbitration agreement.

第六十四条 仲裁庭在作出裁决前，可以先行调解。当事人自愿调解的，仲裁庭应当调解。调解不成的，应当及时作出裁决。

Article 64 Before rendering an award, the arbitral tribunal may first conduct mediation. Where the parties voluntarily agree to mediation, the arbitral tribunal shall conduct mediation. If mediation fails, an award shall be rendered in a timely manner.

调解达成协议的，仲裁庭应当制作调解书或者根据协议的结果制作裁决书。调解书与裁决书具有同等法律效力。

Where a mediation agreement is reached, the arbitral tribunal shall prepare a mediation statement or render an award based on the result of the agreement. A mediation statement has the same legal effect as an award.

第六十五条 调解书应当写明仲裁请求和当事人协议的结果。调解书由仲裁员签名，加盖仲裁机构印章，送达双方当事人。

Article 65 A mediation statement shall state the arbitration claims and the result of the parties' agreement. The mediation statement shall be signed by the arbitrators, affixed with the seal of the arbitration institution, and served on both parties.

调解书经双方当事人签收后，即发生法律效力。

The mediation statement takes legal effect upon being signed for by both parties.

在调解书签收前当事人反悔的，仲裁庭应当及时作出裁决。

Where a party reneges before signing for the mediation statement, the arbitral tribunal shall render an award in a timely manner.

第六十六条 裁决应当按照多数仲裁员的意见作出，少数仲裁员的不同意见可以记入笔录。仲裁庭不能形成多数意见时，裁决应当按照首席仲裁员的意见作出。

Article 66 An award shall be rendered in accordance with the opinion of the majority of the arbitrators, and the dissenting opinions of the minority arbitrators may be recorded in the transcript. Where the arbitral tribunal is unable to form a majority opinion, the award shall be rendered in accordance with the opinion of the presiding arbitrator.

第六十七条 裁决书应当写明仲裁请求、争议事实、裁决理由、裁决结果、仲裁费用的负担和裁决日期。当事人协议不愿写明争议事实和裁决理由的，可以不写。裁决书由仲裁员签名，加盖仲裁机构印章。对裁决持不同意见的仲裁员，可以签名，也可以不签名。

Article 67 The award shall state the arbitration claims, the facts in dispute, the reasons for the award, the result of the award, the allocation of arbitration fees, and the date of the award. Where the parties agree that they do not wish the facts in dispute and the reasons for the award to be stated, they may be omitted. The award shall be signed by the arbitrators and affixed with the seal of the arbitration institution. An arbitrator who disagrees with the award may sign or not sign it.

第六十八条 仲裁庭仲裁纠纷时，其中一部分事实已经清楚，可以就该部分先行裁决。

Article 68 Where, in arbitrating a dispute, part of the facts are already clear, the arbitral tribunal may first render a partial award on that part.

第六十九条 对裁决书中的文字、计算错误或者仲裁庭已经裁决但在裁决书中遗漏的事项，仲裁庭应当补正；当事人自收到裁决书之日起三十日内，可以请求仲裁庭补正。

Article 69 The arbitral tribunal shall correct clerical or computational errors in the award, or matters that the arbitral tribunal has already adjudicated but omitted from the award; within thirty days of receiving the award, a party may request the arbitral tribunal to make such corrections.

第七十条 裁决书自作出之日起发生法律效力。

Article 70 The award takes legal effect from the date it is rendered.

第五章 申请撤销裁决

Chapter V Application for Setting Aside an Award

第七十一条 当事人提出证据证明裁决有下列情形之一的，可以向仲裁机构所在地的中级人民法院申请撤销裁决：

Article 71 Where a party presents evidence proving that an award falls under any of the following circumstances, it may apply to the intermediate people's court at the place where the arbitration institution is located to set aside the award:

（一）没有仲裁协议；

(1) There is no arbitration agreement;

（二）裁决的事项不属于仲裁协议的范围或者仲裁机构无权仲裁；

(2) The matters awarded do not fall within the scope of the arbitration agreement or the arbitration institution had no power to arbitrate them;

（三）仲裁庭的组成或者仲裁的程序违反法定程序；

(3) The composition of the arbitral tribunal or the arbitral procedure violated the statutory procedures;

（四）裁决所根据的证据是伪造的；

(4) The evidence on which the award is based was forged;

（五）对方当事人隐瞒了足以影响公正裁决的证据；

(5) The opposing party concealed evidence sufficient to affect the impartiality of the award;

（六）仲裁员在仲裁该案时有索贿受贿、徇私舞弊、枉法裁决行为。

(6) The arbitrator, in arbitrating the case, solicited or accepted bribes, engaged in malpractice for personal gain, or rendered a perverted award.

人民法院经组成合议庭审查核实裁决有前款规定情形之一的，应当裁定撤销。

Where the people's court, upon examination and verification by a collegial panel, finds that the award falls under any of the circumstances specified in the preceding paragraph, it shall rule to set it aside.

人民法院认定该裁决违背公共利益的，应当裁定撤销。

Where the people's court determines that the award contravenes the public interest, it shall rule to set it aside.

第七十二条 当事人申请撤销裁决的，应当自收到裁决书之日起三个月内提出。

Article 72 A party applying to set aside an award shall file the application within three months of receiving the award.

第七十三条 人民法院应当在受理撤销裁决申请之日起两个月内作出撤销裁决或者驳回申请的裁定。

Article 73 The people's court shall, within two months of accepting an application to set aside an award, render a ruling to set aside the award or to reject the application.

第七十四条 人民法院受理撤销裁决的申请后，认为可以由仲裁庭重新仲裁的，通知仲裁庭在一定期限内重新仲裁，并裁定中止撤销程序。仲裁庭开始重新仲裁的，人民法院应当裁定终结撤销程序。仲裁庭拒绝重新仲裁的，人民法院应当裁定恢复撤销程序。

Article 74 After accepting an application to set aside an award, where the people's court considers that the dispute may be re-arbitrated by the arbitral tribunal, it shall notify the arbitral tribunal to re-arbitrate within a certain time limit and rule to suspend the setting-aside proceedings. Where the arbitral tribunal commences re-arbitration, the people's court shall rule to terminate the setting-aside proceedings. Where the arbitral tribunal refuses to re-arbitrate, the people's court shall rule to resume the setting-aside proceedings.

第六章 执 行

Chapter VI Enforcement

第七十五条 当事人应当履行裁决。一方当事人不履行的，另一方当事人可以依照《中华人民共和国民事诉讼法》的有关规定向人民法院申请执行。受申请的人民法院应当执行。

Article 75 The parties shall perform the award. Where one party fails to perform, the other party may apply to a people's court for enforcement in accordance with the relevant provisions of the Civil Procedure Law of the People's Republic of China. The people's court so petitioned shall enforce the award.

第七十六条 被申请人提出证据证明裁决有本法第七十一条第一款规定的情形之一的，经人民法院组成合议庭审查核实，裁定不予执行。

Article 76 Where the respondent presents evidence proving that the award falls under any of the circumstances specified in the first paragraph of Article 71 of this Law, the people's court shall, upon examination and verification by a collegial panel, rule to refuse enforcement.

人民法院认定执行该裁决违背公共利益的，应当裁定不予执行。

Where the people's court determines that enforcing the award would contravene the public interest, it shall rule to refuse enforcement.

第七十七条 一方当事人申请执行裁决，另一方当事人申请撤销裁决的，人民法院应当裁定中止执行。

Article 77 Where one party applies for enforcement of an award and the other party applies to set aside the award, the people's court shall rule to suspend the enforcement.

人民法院裁定撤销裁决的，应当裁定终结执行。撤销裁决的申请被裁定驳回的，人民法院应当裁定恢复执行。

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 ruled to be rejected, the people's court shall rule to resume the enforcement.

第七章 涉外仲裁的特别规定

Chapter VII Special Provisions on Foreign-Related Arbitration

第七十八条 涉外经济贸易、运输、海事纠纷以及其他涉外纠纷的仲裁，适用本章规定；本章没有规定的，适用本法其他有关规定。

Article 78 The arbitration of foreign-related economic and trade disputes, transport disputes, maritime disputes, and other foreign-related disputes shall be governed by this Chapter; matters not provided for in this Chapter shall be governed by the other relevant provisions of this Law.

第七十九条 涉外仲裁的当事人申请证据保全的，仲裁机构应当将当事人的申请提交证据所在地的中级人民法院，人民法院应当依法及时处理。

Article 79 Where a party to foreign-related arbitration applies for evidence preservation, the arbitration institution shall submit the party's application to the intermediate people's court at the place where the evidence is located, and the people's court shall handle it in a timely manner in accordance with the law.

第八十条 涉外仲裁的仲裁庭可以将开庭情况记入笔录，或者作出笔录要点，笔录要点可以由当事人和其他仲裁参与人签名或者盖章。

Article 80 In foreign-related arbitration, the arbitral tribunal may record the hearing in a transcript, or prepare a summary of the transcript, which may be signed or sealed by the parties and other participants in the arbitration.

第八十一条 当事人可以书面约定仲裁地。除当事人对仲裁程序的适用法另有约定外，以仲裁地作为仲裁程序的适用法及司法管辖法院的确定依据。仲裁裁决视为在仲裁地作出。

Article 81 The parties may agree in writing on the seat of arbitration. Unless the parties have otherwise agreed on the law applicable to the arbitral proceedings, the seat of arbitration shall serve as the basis for determining the law applicable to the arbitral proceedings and the court with judicial jurisdiction. The arbitral award shall be deemed to have been made at the seat of arbitration.

当事人对仲裁地没有约定或者约定不明确的，根据当事人约定的仲裁规则确定仲裁地；仲裁规则没有规定的，由仲裁庭根据案件情况，按照便利争议解决的原则确定仲裁地。

Where the parties have not agreed on the seat of arbitration or the agreement is unclear, the seat of arbitration shall be determined in accordance with the arbitration rules agreed upon by the parties; where the arbitration rules contain no provision, the seat of arbitration shall be determined by the arbitral tribunal according to the circumstances of the case and the principle of facilitating the resolution of the dispute.

第八十二条 涉海事纠纷或者在经国务院批准设立自由贸易试验区、海南自由贸易港以及国家规定的其他区域内设立登记的企业之间发生的涉外纠纷，当事人书面约定仲裁的，可以选择由仲裁机构进行；也可以选择以中华人民共和国为仲裁地，由符合本法规定条件的人员组成仲裁庭按照约定的仲裁规则进行，该仲裁庭应当在组庭后三个工作日内将当事人名称、仲裁地、仲裁庭的组成情况、仲裁规则向仲裁协会备案。

Article 82 For foreign-related maritime disputes, or foreign-related disputes arising between enterprises registered and established in pilot free trade zones established with the approval of the State Council, the Hainan Free Trade Port, or other regions prescribed by the State, where the parties agree in writing to arbitration, they may choose to have the arbitration conducted by an arbitration institution; they may also choose, with the People's Republic of China as the seat of arbitration, to have the arbitration conducted by an arbitral tribunal composed of persons meeting the conditions prescribed by this Law in accordance with the agreed arbitration rules, and such arbitral tribunal shall, within three working days after its constitution, file with the arbitration association the names of the parties, the seat of arbitration, the composition of the arbitral tribunal, and the arbitration rules.

当事人申请财产保全、证据保全、请求责令另一方当事人作出一定行为或者禁止其作出一定行为的，仲裁庭应当依法将当事人的申请提交人民法院，人民法院应当依法及时处理。

Where a party applies for property preservation or evidence preservation, or requests that the other party be ordered to perform or prohibited from performing certain acts, the arbitral tribunal shall submit the party's application to a people's court in accordance with the law, and the people's court shall handle it in a timely manner in accordance with the law.

第八十三条 当事人提出证据证明涉外仲裁裁决有下列情形之一的，经人民法院组成合议庭审查核实，裁定撤销：

Article 83 Where a party presents evidence proving that a foreign-related arbitral award falls under any of the following circumstances, the people's court shall, upon examination and verification by a collegial panel, rule to set it aside:

（一）没有仲裁协议；

(1) There is no arbitration agreement;

（二）被申请人没有得到指定仲裁员或者进行仲裁程序的通知，或者由于其他不属于被申请人负责的原因未能陈述意见；

(2) The respondent was not given notice of the appointment of the arbitrators or of the arbitral proceedings, or was unable to present its case for reasons not attributable to the respondent;

（三）仲裁庭的组成或者仲裁的程序与仲裁规则不符；

(3) The composition of the arbitral tribunal or the arbitral procedure was not in conformity with the arbitration rules;

（四）裁决的事项不属于仲裁协议的范围或者仲裁机构无权仲裁。

(4) The matters awarded do not fall within the scope of the arbitration agreement or the arbitration institution had no power to arbitrate them.

人民法院认定该裁决违背公共利益的，应当裁定撤销。

Where the people's court determines that the award contravenes the public interest, it shall rule to set it aside.

第八十四条 被申请人提出证据证明涉外仲裁裁决有本法第八十三条第一款规定的情形之一的，经人民法院组成合议庭审查核实，裁定不予执行。

Article 84 Where the respondent presents evidence proving that a foreign-related arbitral award falls under any of the circumstances specified in the first paragraph of Article 83 of this Law, the people's court shall, upon examination and verification by a collegial panel, rule to refuse enforcement.

人民法院认定执行该裁决违背公共利益的，应当裁定不予执行。

Where the people's court determines that enforcing the award would contravene the public interest, it shall rule to refuse enforcement.

第八十五条 在中华人民共和国领域内作出的发生法律效力仲裁裁决，当事人请求执行的，如果被执行人或者其财产不在中华人民共和国领域内，当事人可以直接向有管辖权的外国法院申请承认和执行。

Article 85 Where a legally effective arbitral award made within the territory of the People's Republic of China is submitted for enforcement, if the person subject to enforcement or his or her property is not within the territory of the People's Republic of China, the party may directly apply to a competent foreign court for recognition and enforcement.

第八十六条 支持仲裁机构到中华人民共和国境外设立业务机构，开展仲裁活动。

Article 86 Support shall be given to arbitration institutions in establishing operational offices outside the territory of the People's Republic of China to carry out arbitration activities.

根据经济社会发展和改革开放需要，可以允许境外仲裁机构在国务院批准设立的自由贸易试验区、海南自由贸易港等区域内依照国家有关规定设立业务机构，开展涉外仲裁活动。

In light of the needs of economic and social development and of reform and opening-up, arbitration institutions outside China may be permitted to establish operational offices in pilot free trade zones established with the approval of the State Council, the Hainan Free Trade Port, and other regions, and to carry out foreign-related arbitration activities in accordance with relevant State provisions.

第八十七条 鼓励涉外仲裁当事人选择中华人民共和国（包括特别行政区）的仲裁机构、约定中华人民共和国（包括特别行政区）作为仲裁地进行仲裁。

Article 87 Parties to foreign-related arbitration are encouraged to choose arbitration institutions of the People's Republic of China (including the Special Administrative Regions) and to agree on the People's Republic of China (including the Special Administrative Regions) as the seat of arbitration.

第八十八条 在中华人民共和国领域外作出的发生法律效力仲裁裁决，需要人民法院承认和执行的，当事人可以直接向被执行人住所地或者其财产所在地的中级人民法院申请。被执行人住所地或者其财产不在中华人民共和国领域内的，当事人可以向申请人住所地或者与裁决的纠纷有适当联系的地点的中级人民法院申请。人民法院应当依照中华人民共和国缔结或者参加的国际条约，或者按照互惠原则办理。

Article 88 Where a legally effective arbitral award made outside the territory of the People's Republic of China requires recognition and enforcement by a people's court, the party may directly apply to the intermediate people's court at the place of the domicile of the person subject to enforcement or at the place where his or her property is located. Where neither the domicile of the person subject to enforcement nor his or her property is within the territory of the People's Republic of China, the party may apply to the intermediate people's court at the place of the applicant's domicile or at a place having an appropriate connection with the dispute adjudicated. The people's court shall handle the matter in accordance with the international treaties concluded or acceded to by the People's Republic of China, or in accordance with the principle of reciprocity.

外国仲裁机构对中华人民共和国的公民、法人和其他组织的合法权益加以限制、歧视的，中华人民共和国有关机构有权对该国公民、企业和其他组织实行对等原则。

Where foreign arbitration institutions impose restrictions or discrimination against the legitimate rights and interests of citizens, legal persons, and other organizations of the People's Republic of China, the relevant institutions of the People's Republic of China have the right to apply the principle of reciprocity to the citizens, enterprises, and other organizations of that country.

第八章 附 则

Chapter VIII Supplementary Provisions

第八十九条 本法所称的仲裁机构包括依法设立的仲裁委员会、仲裁院等机构。

Article 89 The "arbitration institutions" referred to in this Law include arbitration commissions, arbitration courts, and other institutions lawfully established.

第九十条 法律对仲裁时效有规定的，依照其规定；没有规定的，适用诉讼时效的规定。

Article 90 Where laws provide for the limitation period for arbitration, such provisions shall apply; absent such provisions, the provisions on the limitation of actions shall apply.

第九十一条 仲裁机构依照本法和《中华人民共和国民事诉讼法》的有关规定，可以参照中国仲裁协会制定的示范仲裁规则制定仲裁规则。

Article 91 Arbitration institutions may, in accordance with the relevant provisions of this Law and the Civil Procedure Law of the People's Republic of China, formulate arbitration rules with reference to the model arbitration rules formulated by the China Arbitration Association.

第九十二条 当事人应当按照规定交纳仲裁费用。

Article 92 The parties shall pay arbitration fees in accordance with the provisions.

仲裁机构根据国家有关规定，制定收取仲裁费用的办法。

Arbitration institutions shall formulate measures for charging arbitration fees in accordance with the relevant State provisions.

第九十三条 劳动争议仲裁、农村土地承包经营纠纷仲裁和体育仲裁等，适用《中华人民共和国劳动争议调解仲裁法》、《中华人民共和国农村土地承包经营纠纷调解仲裁法》、《中华人民共和国体育法》等有关法律的规定。

Article 93 Labor dispute arbitration, rural land contract management dispute arbitration, sports arbitration, and the like shall be governed by the Labor Dispute Mediation and Arbitration Law of the People's Republic of China, the Law of the People's Republic of China on the Mediation and Arbitration of Rural Land Contract Management Disputes, the Sports Law of the People's Republic of China, and other relevant laws.

第九十四条 仲裁机构、仲裁庭可以依照有关国际投资条约、协定关于将投资争端提交仲裁的规定，按照争议双方约定的仲裁规则办理国际投资仲裁案件。

Article 94 Arbitration institutions and arbitral tribunals may, in accordance with the provisions of relevant international investment treaties and agreements on the submission of investment disputes to arbitration, handle

international investment arbitration cases in accordance with the arbitration rules agreed upon by the disputing parties.

第九十五条 违反仲裁机构登记管理规定的，依照有关法律、行政法规的规定处理。

Article 95 Violations of the provisions on the registration and administration of arbitration institutions shall be handled in accordance with the relevant laws and administrative regulations.

第九十六条 本法自 2026 年 3 月 1 日起施行。

Article 96 This Law shall come into force on March 1, 2026.