



中国海事仲裁委员会

CHINA MARITIME ARBITRATION COMMISSION

RULES AS APPOINTING AUTHORITY IN AD HOC ARBITRATION

Effective as from March 18, 2022

China Maritime Arbitration Commission (CMAC)

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**CHINA MARITIME ARBITRATION
COMMISSION (CMAC)
Rules as Appointing Authority in
Ad Hoc Arbitration**

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Article 1 Scope of Application

The China Maritime Arbitration Commission (“CMAC”) Rules as Appointing Authority in *Ad Hoc* Arbitration (“these Rules”) apply in cases where the CMAC shall act as an appointing authority to provide supporting services upon agreement of the parties or in accordance with the provisions of the arbitration rules applicable to such arbitration.

Article 2 Scope of Services

When acting as appointing authority, the CMAC shall perform its functions through its Arbitration Court, Shanghai Headquarters or sub-commissions/arbitration centers and provide the following services including, but not limited to:

- (a) decision on the constitution of the arbitral tribunal and the number of arbitrators to be appointed;
- (b) appointment of an arbitrator or a substitute arbitrator;
- (c) decision on challenges to arbitrators;
- (d) review of and adjustment to the criteria and/or method of determination applied to the arbitrator’s fees and expenses;
- (e) undertaking financial management of the arbitration, including but not limited to collection of deposits and arrangement for payment of arbitrator’s fees and actual expenses;
- (f) provision of oral hearing services, including but not limited to hearing rooms and hearing facilities, video conferencing, audio and video recording, copying and printing facilities, arrangement for translation and stenography services;
- (g) provision of tribunal secretary services;

- (h) provision of case file retention services;
- (i) provision of other services.

Article 3 Decision on Constitution of Arbitral Tribunal and Number of Arbitrators

1. When making a decision on the constitution of the arbitral tribunal and the number of arbitrators, the CMAC shall afford each party an opportunity to express their written opinions on such decision, and may request the parties to submit further documents;
2. After making a decision on the constitution of the arbitral tribunal and the number of arbitrators, the CMAC shall promptly notify the parties of such decision in writing.

Article 4 Appointment of Arbitrators

1. Apart from written requests for appointment of arbitrator, the CMAC may require the parties to provide the following information and documents:
 - (a) the arbitral claims;
 - (b) the names and contact details of the parties and their representative(s), if any;
 - (c) arbitration clause or separate arbitration agreement that is invoked;
 - (d) notice of arbitration and its attachments sent by the Claimant to the Respondent, and proof of their delivery;
 - (e) names and contact details of the arbitrators nominated by the parties, if any;
 - (f) other information and documents deemed as necessary by the CMAC.

2. When appointing an arbitrator, the CMAC normally shall take into account the following factors:

- (a) the nature of the dispute;
- (b) laws applicable to the arbitration;
- (c) seat of arbitration;
- (d) languages;
- (e) the identity and nationality of the parties to the arbitration agreement/clause;
- (f) any agreement made by the parties in regard to appointment of an arbitrator and the constitution of the arbitral tribunal;
- (g) requirements for qualification of arbitrators subject to the seat of arbitration (laws applicable to the arbitral proceedings);
- (h) any considerations in respect of the independence and impartiality of an arbitrator to be appointed;
- (i) whether the qualified candidate arbitrator(s) may accept the appointment;
- (j) any suggestions made by a party in regard to appointment of an arbitrator; and
- (k) any other factors deemed as necessary by the CMAC.

3. Before appointing an arbitrator, the CMAC shall afford an opportunity to other parties to express their written opinions on such appointment. The CMAC has the power to refuse or suspend the appointment of an arbitrator in accordance with the information provided by other parties;

Where other parties fail or refuse to express their written opinions on the appointment of arbitrators with the specified period of time, the CMAC has the power to make such appointment in accordance with the information provided.

4. Upon an arbitrator's acceptance of the appointment, the CMAC shall notify all parties and other arbitrators in writing.
5. Unless otherwise agreed by the parties or otherwise decided by the CMAC, the arbitrators shall be appointed from the CMAC's Panel of Arbitrators.
6. Upon the agreement of the parties, the CMAC may extend the period of time for making a decision on appointment of arbitrators.

Article 5 Disclosure, Challenge and Replacement of Arbitrators

1. When accepting the appointment, an arbitrator shall submit to the CMAC a signed Declaration and disclose any facts or circumstances likely to give rise to justifiable doubts as to his/her impartiality or independence. The signed Declaration of arbitrator can be made in reference to the template provided in appendix III.
2. Where the CMAC acts as the appointing authority, it shall decide on challenge of an arbitrator in accordance with the provisions in the applicable laws and arbitration rules and provide reasons.
3. In the event that an arbitrator neglect of his/her duties, or is prohibited by law or in fact from performing the duties, the CMAC shall, in accordance with the applicable arbitration rules, appoint a substitute arbitrator pursuant to the same procedure applicable to the appointment of such arbitrator.
4. The CMAC shall forward a copy of the Declaration, the decision on challenge of an arbitrator and/or notice of replacement of an arbitrator to the parties and the arbitral tribunal.

5. Upon the agreement of the parties, the CMAC may extend the period of time for making a decision on challenge or replacement of an arbitrator.

Article 6 Review of and/or Adjustment to Arbitral Tribunal's Determination of Fees and Expenses

1. The CMAC may review the arbitral tribunal's proposal of the criteria of its fees and expenses in accordance with the provisions of the rules applicable to the arbitration. If the CMAC finds that the proposal of the arbitral tribunal is inconsistent with the amount in dispute, the complexity of the dispute, the time spent by the arbitrators and any other relevant circumstances of the case, it shall make necessary adjustments thereto.

2. The CMAC may review the method applied to the arbitral tribunal's determination of fees and expenses in accordance with the provisions of the rules applicable to the arbitration. If the CMAC finds that the arbitral tribunal's determination of fees and expenses is inconsistent with the arbitral tribunal's proposal (and any adjustment thereto) or is otherwise manifestly excessive, it shall make necessary adjustments thereto.

Article 7 Fees of Appointing Authority

1. Fees for services including appointment of arbitrators, making decisions on the constitution of the arbitral tribunal and the number of arbitrators, challenges of arbitrators and services rendered under Article 2 (d) to (i) of these Rules

shall be collected by the CMAC in accordance with the Fee Schedule of CMAC as Appointing Authority in *Ad Hoc* Arbitration (Appendix II).

2. The CMAC collects payment of deposits for its services in accordance with this Article. Unless otherwise agreed by the parties, the aforesaid deposits, as part of the arbitration fees and expenses, shall in principle payable by the requesting party. The arbitral tribunal shall determine in the award in what proportion such deposits shall be borne by the parties.

3. All parties shall be jointly and severally liable to the fees specified in this Article. Unless the arbitral tribunal decides to transfer payment of deposits to an arbitrator or refund to a party, the CMAC is not obliged to make any payment to the arbitral tribunal or the parties.

Article 8 Exclusion of Liability

Unless otherwise stipulated by the law of the seat of arbitration, neither the CMAC nor its employees shall be liable for any negligence, act or omission in connection with performance of any duties under these Rules.

Article 9 Supplementary Provisions

1. These Rules shall be interpreted by the CMAC.

2. The headings of the Articles in these Rules shall not be construed as interpretations of the contents of the provisions contained therein.

3. These Rules shall come into effect on March 18, 2022.

Appendix I

Directory of China Maritime Arbitration Commission and its Shanghai Headquarters/ Sub-Commissions/Arbitration Centers

China Maritime Arbitration Commission (CMAC)

Add: 13/F, CCOIC Building, No.2 Huapichang Hutong, Xicheng District, Beijing, 100035, P.R. China

Tel: 86 10 82217900, 82217767/7735/7920/7922

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E-mail: cmac@cmac.org.cn

Website: <http://www.cmac.org.cn>

CMAC Shanghai Headquarters

Add: Room 1301, 1314, Tomson Commercial Building, 710 Dongfang Road, Pudong New Area, Shanghai, 200122, P.R. China

Tel: 86 21 58200329, 50810729

Fax: 86 21 50810965

E-mail: cmacshanghai@ecmac.org.cn

CMAC Tianjin Maritime Arbitration Center (Tianjin Sub-Commission)

Add: 1803/1804, 18/F, Wanhai Building, Tianjin Wanda Center, the Intersection of Six weft Road and No.8 Dazhigu Road, Hedong District, Tianjin, 300170, P.R. China

Tel: 86 22 66285688

Fax: 86 22 66285678

E-mail: tianjin@cietac.org

CMAC Southwest Sub-Commission

Add: 15-5,15-6,15F, No.1 Lifan Center, No. 8 Juxiyan Plaza,
Jiangbei District, Chongqing, 400024, P.R. China

Tel: 86 23 67860011

Fax: 86 23 67860022

E-mail: cietac-sw@cietac.org

CMAC Hong Kong Arbitration Center

Add: Room 503, 5/F, West Wing, Justice Place, No. 11 Ice House
Street, Central, Hong Kong

Tel: 852 25298066

Fax: 852 25298266

Email: hk@cietac.org

CMAC (Zhejiang) Pilot Free Trade Zone Arbitration Center

Add I: 2/F, Block A, Ganghang International Building of Zhoushan,
No.619 Dingshen Road, Dinghai District, Lincheng, Zhoushan,
Zhejiang Province, 316000, P.R. China

Tel: 86 580 2880015

Fax: 86 580 2880065

Email: cmaczj@cmac.org.cn

Add II (Ningbo Office): 34/F, Bank of China Tower, No.318 Heyuan
Road, Yinzhou District, Ningbo, Zhejiang Province, 315000, P.R.
China

Tel: 86 574 56172260

Email: cmaczj@cmac.org.cn

CMAC Hainan Arbitration Center

Tel: 86 10 82217900, 82217767/7921

Fax: 86 10 82217966

Email: cmac@cmac.org.cn

CMAC Qingdao Arbitration Center

Add: 34/F, International Shipping Center, No.66 Lianyungang Road, Shibei District, Qingdao, Shandong Province, 266034, P.R. China

Tel: 86 532 58577577

Fax: 86 10 82217966

Email: qingdao@cmac.org.cn

CMAC Northeast Asia International Arbitration Center

Add: Room 620, Free Trade Zone Building, No.1 Dongting Road, Dalian, Liaoning Province, 116000, P.R. China

Tel: 86 411 66171230, 411 87180780

Fax: 86 411 66171230

Email: dalian@cmac.org.cn

CMAC Maritime Silk Road Arbitration Center (Fujian Sub-Commission)

Add: 4/F, Free Trade Legal Building, No.15 Xiangxing 1st Road, Huli District, Xiamen, Fujian Province, 361006, P.R. China

Tel: 86 592 5551519, 592 5551356

Fax: 86 10 82217966

Email: xiamen@ecmac.org.cn

**CMAC Greater Bay Area Arbitration Center
(South China Sub-Commission)**

Add: 13/F, International Port Center I, No.983 the East of Huangpu Avenue, Huangpu District, Guangzhou, Guangdong Province, 510710, P.R. China

Tel: 86 20 82003507

Fax: 86 10 82217966

Email: guangzhou@cmac.org.cn

Appendix II

Fee Schedule of CMAC as Appointing Authority in *Ad Hoc* Arbitration

Article 1 Fee for Decision on Constitution of Arbitral Tribunal and Number of Arbitrators

The fee for decision on constitution of the arbitral tribunal and number of arbitrators to be appointed under these Rules by CMAC is RMB 3,000 per decision.

Article 2 Fee for Appointment of Arbitrator

The fee for appointment of each arbitrator under these Rules by CMAC is RMB 5,000.

Article 3 Decision on Challenge of Arbitrator

The fee for decision on challenge of an arbitrator under these Rules by CMAC is RMB 5,000.

Article 4 Other Services

1. The fee for reviewing and making adjustment to the criteria of the arbitral tribunal's determination of fees and expenses is RMB 4,000 each time.
2. The fee for reviewing and making adjustment to the method applied to the arbitral tribunal's determination of fees and expenses is RMB 4,000 each time;
3. The fee for financial management of arbitration is RMB 10,000 per arbitration;

4. The rental rate for each hearing room together with hearing facilities is RMB 4,000 per half day;
5. The fee for translation and stenography services by third party/ parties shall be proposed by such third party/ parties, and shall be payable upon confirmation of the parties;
6. The fee for tribunal secretary services shall be fixed by the CMAC, having regard to the circumstances of arbitration and the required qualification of the tribunal secretary;
7. The fee for case file retention is RMB 1,000 per arbitration; and
8. The fee for other services shall be fixed by the CMAC, having regard to the circumstances of arbitration.

Appendix III

Declaration of Acceptance and Statement of Independence

Case Reference:

Claimant(s):

Representatives:

Respondent(s):

Representatives:

ACCEPTANCE

I hereby declare that I accept to serve as arbitrator in the instant case. In so declaring, I hereby confirm that I have read, understand and accept the requirements of the Arbitration Rules and am able to serve as an arbitrator accordingly.

INDEPENDENCE

I am impartial and independent of each of the parties and intend to remain so; to the best of my knowledge, there are no facts or circumstances, past or present, that need to be disclosed because they might be of such nature as to call into question my independence or impartiality in the eyes of any of the parties.

OR

I confirm that I know of no circumstance that may lead to my withdrawal under the Arbitration Rules before I accept to serve as arbitrator, and I will act impartially, independently, efficiently and diligently as an arbitrator; however, I wish to call your attention to the following facts or circumstances which I hereafter disclose because there exists such relationship with the party/parties or their counsel as to call into question my independence in the eyes of any of the parties.

DUTY OF DISCLOSURE

I will disclose immediately, during the arbitral proceedings, if I know of any facts or circumstances which might be of such a nature as to call into question my independence and impartiality.

Date:

Signature: