# Notice of Beijing Municipal Bureau of Justice on Printing and Distributing the “Administrative Measures for Registration of Business Offices Established by Overseas Arbitration Institutions in China (Beijing) Pilot Free Trade Zone”

All relevant entities:

*The Administrative Measures for Registration of Business Offices Established by Overseas Arbitration Institutions in China (Beijing) Pilot Free Trade Zone*, which was considered and adopted by the 15th Director General’s Work Meeting of Beijing Municipal Bureau of Justice in 2020, is hereby printed and distributed.

The above is hereby notified.

Beijing Municipal Bureau of Justice

December 28, 2020

# Administrative Measures for Registration of Business Offices Established by Overseas Arbitration Institutions in China (Beijing) Pilot Free Trade Zone

**Article 1** These Administrative Measures are hereby formulated in accordance with the *Arbitration Law* and other relevant regulations in conjunction with the actual circumstances, for the purposes of implementing the *Official Reply of the State Council Concerning the Plan for Building an Integrated National Demonstration Zone for Opening up the Services Sector Through the Integrated Pilot Program for Further Opening up Beijing’s Service Sector* and the *Circular of the State Council on Printing and Issuing the Overall Plan for Beijing, Hunan and Anhui Pilot Free Trade Zones and the Regional Plan for Expansion of Zhejiang Pilot Free Trade Zone*, bringing to success the registration of Business Offices to be established by Overseas Arbitration Institutions in China (Beijing) Pilot Free Trade Zone, as well as promoting the development of the Pilot Free Trade Zone.

**Article 2** These Administrative Measures shall apply to the registration administration of Business Offices to be established by Overseas Arbitration Institutions in China (Beijing) Pilot Free Trade Zone and the related activities thereof.

The term “Overseas Arbitration Institution” referenced herein shall mean any non-profit arbitration institution legally established in foreign countries and the Hong Kong Special Administrative Region, the Macao Special Administrative Region and Taiwan Region of China, as well as arbitration institutions established by international organizations that China has joined.

**Article 3** An Overseas Arbitration Institution may, after registration, establish a Business Office in China (Beijing) Pilot Free Trade Zone to carry out foreign-related arbitration activities with respect to civil and commercial disputes arising in the fields of, inter alia, international commercial affairs and investment.

A Business Office established by an Overseas Arbitration Institution in China (Beijing) Pilot Free Trade Zone (hereinafter referred to as “a Business Office”) shall not further establish any branch or dispatched office.

**Article 4** The principal, staff and arbitrators of a Business Office shall abide by the PRC laws and regulations, adhere to the professional ethics, and shall not harm China’s national and social public interests or the legitimate rights and interests of citizens, legal persons and other organizations when they work and live in China.

**Article 5** A Business Office and its relevant staff shall be protected by law while carrying out arbitration activities in accordance with the law.

**Article 6** Beijing Municipal Bureau of Justice (hereinafter referred to as the “Municipal Bureau of Justice”) shall be in charge of the registration of Business Offices established by Overseas Arbitration Institutions in China (Beijing) Pilot Free Trade Zone, and shall be responsible for regulating their foreign-related arbitration activities in accordance with the law.

**Article 7** An Overseas Arbitration Institution, which applies for establishing a Business Office in China (Beijing) Pilot Free Trade Zone, shall meet the following conditions:

(1) It has been legally established overseas;

(2) It has been substantially engaged in arbitration and related dispute resolution activities for more than five (5) years;

(3) It has high public credibility and international influence;

(4) The contemplated principal of the Business Office has full capacity for civil conducts as stipulated by the PRC laws and has not been subjected to any criminal penalty for any willful offense; and

(5) The contemplated principal of the Business Office shall work full-time, and neither the principal nor other staff may hold posts in other institutions at the same time.

**Article 8** An Overseas Arbitration Institution, which applies for establishing a Business Office in China (Beijing) Pilot Free Trade Zone, shall file an application with the Municipal Bureau of Justice and submit the following materials in duplicate:

(1) An application for the establishment of a Business Office;

(2) Documents to certify legal establishment overseas;

(3) A statement of relevant circumstances and a letter of commitment specifying the meeting of requirements in Items (2) to (5) of Article7 hereof; and

(4) The articles of association, arbitration rules and list of members of the Overseas Arbitration Institution with their brief introductions.

Any material in a foreign language shall be attached with the Chinese translation. The Chinese version shall prevail.

**Article 9** The Municipal Bureau of Justice shall, within five (5) working days upon receipt of the application materials, inform the applicant whether to accept an application, or to inform the applicant all at once of all the materials that are required to be supplemented or corrected; and shall decide whether to grant a registration within twenty (20) days from the date of formal acceptance of an application. If a decision cannot be made within twenty (20) days, an extension for ten (10) days may be granted with the approval of the person in charge of the Municipal Bureau of Justice, and the applicant shall be informed of the reasons for the extension.

The Municipal Bureau of Justice shall report the registered items of a Business Office to the Ministry of Justice for the record within ten (10) working days from the date of decision to grant the registration, and shall issue the registration certificate to the Business Office after the Ministry of Justice assigns a unified social credit code thereto.

**Article 10** A Business Office shall, within three (3) months from the date on which the Municipal Bureau of Justice grants the registration certificate, submit the following materials to the Municipal Bureau of Justice for the record:

(1) A description of basic information of the Business Office, including but not limited to its name, domicile, principal and business scope;

(2) The list of a panel of arbitrators/experts or recommended panel of arbitrators/experts, if any; and the certificate of the domicile of the Business Office;

(3) Registration form and personal ID materials of the principal and staff of the Business Office; and

(4) A copy of the tax registration certificate, a specimen of seal and a bank account.

Where, due to special reasons, failing to submit the materials specified in the preceding paragraph for the record within the prescribed time limit, an application for extension may be filed with the Municipal Bureau of Justice.

**Article 11** In case of any change in the information of a Business Office that has been registered or reported for the record, the Business Office concerned shall report the relevant information to the Municipal Bureau of Justice for the record within fifteen (15) days from the date of the change.

**Article 12** A Business Office shall be encouraged to carry out international exchanges and cooperation in arbitration activities, and the following exchanges and cooperation shall be supported between a Business Office and arbitration institutions established in this Municipality:

(1) Entering into cooperation agreements;

(2) Recommending to each other arbitrators and mediators;

(3) Providing to each other internship and exchange posts;

(4) Providing facilities or relevant assistance to each other’s arbitration activities such as trials and hearings;

(5) Jointly organizing training sessions, conferences, seminars and promotional activities; and

(6) Other arbitration exchanges and cooperation.

**Article 13** A Business Office shall make public its articles of association, arbitration rules and other important information on its official website or the public legal service website of this Municipality, and shall publish an annual work report for the previous year before March 31 of each year. An annual work report shall include:

(1) Overview of arbitration activities;

(2) Any circumstances under which the arbitral awards are set aside or not enforced, or not recognized and enforced by a court;

(3) Audited financial reports;

(4) Changes in the list of the panel of arbitrators/experts or recommended panel of arbitrators/experts; and

(5) Other information that is required to be published.

**Article 14** Where an Overseas Arbitration Institution that establishes a Business Office decides to be terminated or decides to terminate the Business Office, it shall submit an application for deregistration to the Municipal Bureau of Justice.

**Article 15** The Municipal Bureau of Justice shall deregister a Business Office and report to the Ministry of Justice for the record in the following events:

(1) The Overseas Arbitration Institution that establishes the Business Office is terminated;

(2) The Overseas Arbitration Institution applies for the termination of the Business Office;

(3) The establishment registration of the Business Office is revoked in accordance with the law; or

(4) Other circumstances as stipulated by laws, regulations and rules.

A Business Office that is to be deregistered in accordance with the preceding paragraph shall undergo liquidation before deregistration.

**Article 16** A Business Office under any of the following circumstances shall not be deregistered:

(1) The Business Office has pending arbitration cases;

(2) The Business Office has outstanding tax payable;

(3) The Business Office is suspected of being involved in a unit crime, with facts not being ascertained; or

(4) Other circumstances as stipulated by laws, regulations or rules under which it is inappropriate to apply for termination.

**Article 17** The Municipal Bureau of Justice shall publish the information regarding the establishment, change and deregistration of a Business Office via its official website, the municipal public legal service website or other proper channels.

**Article 18** Where an Overseas Arbitration Institution obtains the registration of a Business Office by means of fraud, the Municipal Bureau of Justice shall revoke its registration and report the matter to the Ministry of Justice for the record.

**Article 19** Where a Business Office, its principal and other staff violate the provisions of the PRC laws, regulations and rules, and of these Administrative Measures in the process of conducting foreign-related arbitrations, the Municipal Bureau of Justice shall handle it in accordance with the law or transfer the case to the relevant authority for handling.

**Article 20** These Administrative Measures shall be referred to in the establishment of Business Offices by Overseas Arbitration Institutions in Daxing Airport Area (Beijing Area) of China (Hebei) Pilot Free Trade Zone.

**Article 21** These Administrative Measures shall come into force on January 1, 2021.