

SCIA Guidelines for the Administration of Arbitration under the UNCITRAL Arbitration Rules

Effective as from 21 February 2019

MODEL ARBITRATION CLAUSE I

Any dispute arising from or in connection with this contract shall be submitted to the Shenzhen Court of International Arbitration (the SCIA) for arbitration with the UNCITRAL Arbitration Rules (2013) to apply, which shall be administered by the SCIA according to the SCIA Guidelines for the Administration of Arbitration under the UNCITRAL Arbitration Rules.

MODEL ARBITRATION CLAUSE II

Any dispute arising from or in connection with this contract shall be submitted for arbitration in accordance with the UNCITRAL Arbitration Rules (2013) and the Shenzhen Court of International Arbitration (the SCIA) shall be the appointing authority.

Shenzhen Court of International Arbitration Guidelines for the Administration of Arbitration under the UNCITRAL Arbitration Rules

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Shenzhen Court of International Arbitration Guidelines for the Administration of Arbitration under the UNCITRAL Arbitration Rules

Article 1 Purpose

In order to facilitate the application of the Arbitration Rules of the United Nations Commission on International Trade Law (hereinafter the “UNCITRAL Arbitration Rules”) by domestic and foreign parties, in accordance with the UNCITRAL Arbitration Rules and the Arbitration Rules of the Shenzhen Court of International Arbitration (hereinafter the “SCIA Arbitration Rules”), the Shenzhen Court of International Arbitration (also known as the Shenzhen Arbitration Commission and the South China International Economic and Trade Arbitration Commission, formerly known as the China International Economic and Trade Arbitration Commission South China Sub-commission and the China International Economic and Trade Arbitration Commission Shenzhen Sub-commission) (hereinafter, the “SCIA”) hereby formulates the SCIA Guidelines for the Administration of Arbitration under the UNCITRAL Arbitration Rules (hereinafter the “Guidelines”).

Article 2 Scope of Application

The Guidelines shall apply in any of the following circumstances:

1. Where parties have agreed that disputes between them under Article 2, Paragraph 1(a) or (b) of the SCIA Arbitration Rules shall be submitted to the SCIA in accordance with the UNCITRAL Arbitration Rules.

2. Where parties have agreed to submit disputes to arbitration in accordance with the UNCITRAL Arbitration Rules and the SCIA to perform the administrative functions such as appointing arbitrators.
3. Where the SCIA Arbitration Rules provide for the application of the Guidelines.

Article 3 Place of Arbitration

Where the parties have agreed on the place of arbitration, the parties' agreement shall prevail. Where the parties have not agreed on the place of arbitration, unless otherwise determined by the arbitral tribunal, the place of arbitration shall be Hong Kong.

Article 4 Administration and Services

1. The SCIA shall administer the followings:
 - (a) Appointment of arbitrators;
 - (b) The decision on the challenge of arbitrators;
 - (c) Financial management of arbitration cases.
2. The SCIA also provides the following services at the request of the parties or the arbitral tribunal:
 - (a) Assisting the communication between the arbitral tribunal and the parties as well as between the parties;
 - (b) Assisting to forward the application of property preservations, etc.;
 - (c) Providing services for oral hearings, including, but not limited to, providing hearing rooms and audio and/or video recording equipment, arranging interpreters, making records of oral hearings;

- (d) Recommending mediation institutions or negotiation facilitation institutions to the parties to facilitate settlement.

Article 5 Request for Arbitration

The claimant shall submit the Request for Arbitration in writing in accordance with the UNCITRAL Arbitration Rules and pay the registration fee.

Article 6 Appointment of Arbitrators

1. Where the parties have not agreed on the candidate(s) for the arbitral tribunal, or, the candidate(s) for the arbitral tribunal jointly appointed by the parties is/ are unable to carry out his/her duties as an arbitrator and the parties fail to reach an agreement on the replacement of the candidate(s), the SCIA shall carry out the duty as an Appointing Authority under the UNCITRAL Arbitration Rules to appoint the arbitrator(s).
2. The party applying for the SCIA's appointment of arbitrator(s) shall deposit the fees to the SCIA.

Article 7 Challenge of Arbitrators

1. In case of any circumstance stipulated under Article 13(4) of the UNCITRAL Arbitration Rules, a party shall submit the application in writing for challenge to the SCIA specifying the basis of the challenge, provide the evidentiary documents and pay the fees in advance to the SCIA for the decision on the challenge.
2. The SCIA shall promptly forward the application for challenge

to all the other parties and to each member of the arbitral tribunal who may provide their respective response in writing to the challenge.

3. The President of the SCIA shall make the decision on the challenge.

Article 8 Charge and Management of Arbitration Fees and Costs

1. In accordance with the UNCITRAL Arbitration Rules, the arbitration fees and costs charged by the SCIA include:
 - (a) Registration fee and administrative fees;
 - (b) Fees and expenses of arbitrators and other necessary costs.
2. The Claimant shall pay a registration fee to the SCIA upon request for arbitration and pay relevant administrative fees in advance.
3. After the arbitral tribunal has been formed, the parties shall pay in advance the fees and expenses of arbitrators and other necessary costs, in accordance with the agreement between the parties and the arbitrator(s) concerned, or under the instruction of the arbitral tribunal.
4. During the course of the arbitration proceedings, if a party fails to pay the relevant fees required, the SCIA shall notify all other parties so that they may pay the fees instead. If such payment is still not made or outstanding, the SCIA may recommend the arbitral tribunal to proceed the arbitration proceedings in a way it deems fit, to suspend or terminate the proceedings.
5. The Schedule of Arbitration Fees and Costs annexed hereto shall

constitute an integral part of the Guidelines.

Article 9 Fees of Arbitrators

Fees of arbitrators shall be negotiated and agreed between the parties and the arbitrators and shall be deposited to the SCIA in accordance with Article 41 of the UNCITRAL Arbitration Rules.

Article 10 Costs of the Arbitral Tribunal

The arbitral tribunal shall submit a breakdown of necessary costs to the parties, which shall include but not be limited to, transportation, accommodation and catering costs, with the corresponding receipts or explanation.

Article 11 Disclaimer of the SCIA

The SCIA and its staff shall bear no liabilities for any mistake or negligence by the arbitral tribunal during the course of arbitration proceedings, nor for any award rendered by the arbitral tribunal.

Article 12 The UNCITRAL Arbitration Rules

1. Unless otherwise agreed by the parties, the UNCITRAL Arbitration Rules stated in the Guidelines refers to the UNCITRAL Arbitration Rules (2013).
2. Where the parties agree to apply the UNCITRAL Arbitration Rules (1976) or the UNCITRAL Arbitration Rules (2010), any article in the Guidelines referring to the UNCITRAL Arbitration Rules (2013) shall be regarded as referring to the corresponding

article in the UNCITRAL Arbitration Rules (1976) or UNCITRAL Arbitration Rules (2010); where there is no corresponding article in the UNCITRAL Arbitration Rules (1976) or UNCITRAL Arbitration Rules (2010), the UNCITRAL Arbitration Rules (2013) shall apply.

Article 13 Interpretation and Implementation

1. The Guidelines shall be interpreted by the SCIA.
2. The Guidelines shall take effect on 1 December 2016.

Appendix

Schedule of Arbitration Fees and Costs

1. Registration Fee

The registration fee shall be RMB 5,000 Yuan, which is non-refundable under any circumstance.

2. Administrative Fees

The administrative fees shall include the costs and expenses incurred from providing services under Article 4(1) of the Guidelines in relation to the following:

(1) Appointment of Arbitrators (RMB)

	1 arbitrator appointed	2 arbitrators appointed	3 arbitrators appointed
Fees payable by the parties	10,000	15,000	18,000

(2) Decision on the Challenge of Arbitrators

An amount of RMB 20,000 Yuan shall be charged for each decision on the challenge of arbitrator(s).

(3) Financial Management Fees of Arbitration Cases

The SCIA shall charge a financial management fee, being 0.1% of the total amount of fees in custody of the SCIA. The minimum financial management fee chargeable shall be RMB 1,000 Yuan, and shall be capped at a maximum of RMB 100,000 Yuan.

(4) Services under Article 4 (2) of the Guidelines

The SCIA shall charge disbursements incurred from services provided by SCIA under Article 4(2) of the Guidelines or from other administrative services requested by the parties or the arbitral tribunal, which shall be charged on actual costs basis.