中国欧洲仲裁中心
Chinese European Arbitration Centre
(CEAC)
1. General Overview

2. Institutional Structure

3. CEAC Arbitration Rules
Goals and functions

- CEAC is the first tailor-made Arbitration Centre for disputes in relation with Chinese European trade and investment matters.
- CEAC targets disputes in connection with:
  - trade between China and traders from Europe and other traders from all over the world,
  - Chinese investments in other states and
  - foreign investments in China
Principle of Balance of Power and Neutrality

- In respect of its regional specification on China-related international disputes, the CEAC is based on the principle of balance of power and follows this issue by integrating experts from China, Europe and the rest of the world on several levels of the arbitration body.

- Appointing Authority
- Advisory Boards
- Management Board
Seat and Tradition

- Hamburg
  - as Gateway for Business in Europe
  - close economic and political relationship with China
  - well-known history as a seat of arbitration
  - Beijing-Hamburg Conciliation Centre

- Germany
  - long tradition of commercial arbitration
  - favourite legal condition: German Arbitration Act in the Code of Civil Procedure since 1877
  - Adoption of UNCITRAL Model Law on International Commercial Arbitration
Institutional Structure

- CELA - Chinese European Legal Association e.V.
  (Association under German private law)

- CEAC – Chinese European Arbitration Centre GmbH
  (German Limited Liability Company)
Relationship between CEAC and CELA

- **CELA** is the sole shareholder of **CEAC**

- **CEAC** benefits from the continuous *intercultural dialog* between Chinese and European legal experts within CELA
CELA - Chinese European Legal Association e.V.

- founded in July 2008 as registered association under German private law

- the object of the association is
  - to support the interaction and exchange between China and Europe and the world regarding issues of economics, law and legal culture (and)
  - to make a contribution to the avoidance, settlement and resolution of disputes related to international trade from and to China
  - to found the Chinese European Arbitration Centre GmbH
CELA - Chinese European Legal Association e.V.

Founding Members

- Hamburg Bar Association
- Hamburg Chamber of Commerce
- 17 international law firms, i.a.
  - Amsterdam & Peroff, Toronto
  - Beretta Godoy, Buenos Aires
  - Brödermann & Jahn, Hamburg/Germany
  - CMS Hasche Sigle, Germany,
  - DLA Piper, Germany
  - Freshfields Bruckhaus Deringer, London/United Kingdom
  - Clifford Chance, Frankfurt/Germany
  - Hengeler Mueller, Germany
  - HJM Asia Law & Co., Guangdong/China
  - Robertson Solicitors, Hong Kong/China
  - Schulz Noack Bärwinkel, Hamburg/Shanghai
  - Weil & Associés, Paris/France
General Assembly elects members of Board of Directors

General Assembly elects members of Advisory Board upon proposal of Board of Directors

CELA - Chinese European Legal Association e.V.
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Membership with CELA

- Law Firm Membership
- Individual Membership
Membership fees for law firms

- With up to ten lawyers: € 300 per year
- With up to 25 lawyers: € 750 per year
- With up to 75 lawyers: € 1,500 per year
- With up to 150 lawyers: € 3,000 per year
- With more than 150 lawyers: € 3,500 per year
Member fees for *individual members*:

- With business address in *Asia, Africa, South- or Central America* in a law firm with less than 10 lawyers: € 50 per year
- With business address in *Europe, North America, Australia or New Zealand or in Asia, Africa, South- or Central America* in a law firm with 10 or more lawyers: € 150 per year
- As a *businessman/-woman*: € 50 per year
- As a *young lawyer*, *young professor* during the first eight years of practice, teaching or as a *student*: € 0
CEAC – Chinese European Arbitration Centre GmbH

General Assembly

elects members of Advisory Board

Advisory Board

Advisory Board advises Management Board in the administration of disputes

Management Board
Advisory Board appoints the members of each Chamber of Appointing Authority.

- Chamber I
  - Chinese Member
  - European Member
  - Member World

- Chamber II
  - Chinese Member
  - European Member
  - Member World

- Chamber III
  - Chinese Member
  - European Member
  - Member World

Advisory Board is composed of members 1/3 China, 1/3 Europe and 1/3 rest of the world.

Functions of the CEAC Advisory Board
Chambers of the Appointing Authority

Each chamber shall consist of three members and three alternate members.

To guarantee neutrality and equal power each Chamber shall consist of

one member from China,
one from Europe and
one from other parts of the world.
The following members of the *first chamber* have been appointed:

<table>
<thead>
<tr>
<th>Member from China:</th>
<th>Member from Europe:</th>
<th>Member from the rest of the world:</th>
</tr>
</thead>
</table>
| *Lu Song,*  
*International Law Institute, Beijing* | *Angelo Anglani,*  
*Ughi e Nunziante – Studio Legale, Rome* | *Karen Mills,*  
*KarimSyah Law Firm, Jakarta* |
<table>
<thead>
<tr>
<th>Officers</th>
<th>CELA</th>
<th>CEAC</th>
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<tbody>
<tr>
<td>Chairman of the Board</td>
<td>Dr. Eckart Brödermann (Brödermann &amp; Jahn, Hamburg)</td>
<td>Axel Neelmeier (Schulz Noack Bärwinkel, Hamburg/Shanghai)</td>
</tr>
<tr>
<td>Chairman of the Advisory Board</td>
<td>Gao Zongze (King &amp; Wood, Beijing)</td>
<td>Hew R. Dundas (Former President of the Chartered Institute of Arbitrators, London)</td>
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Arbitrators

How to become an arbitrator with CEAC?

- Membership with CELA
- Active in international Chinese arbitration
- At least 8 years admission to the bar or similar professional experience
CEAC Model Arbitration Clause

“Any dispute, controversy or claim arising out of or relating to this contract, or the breach, termination or invalidity thereof, shall be settled by arbitration in Hamburg (Germany) in accordance with the CEAC Hamburg Arbitration Rules.

Options:
- The number of arbitrators shall be ___ ((i) one or (ii) three or (iii) three unless the amount in dispute is less than €______________ [e.g. 100,000 €] in which case the matter shall be decided by a sole arbitrator);
- The arbitration proceedings shall/may take place (also) in ___________ (town or country);
- The language(s) to be used in the arbitral proceedings shall be __________;
- “Documents also may be submitted in ________________ (language).
- The arbitration shall be confidential. The parties agree that also the mere existence of an arbitration proceeding shall be kept confidential except to the extent disclosure is required by law, regulation or an order of a competent court.
- The arbitral tribunal shall apply the CEAC Hamburg Arbitration Rules as in force at the moment of the commencement of the arbitration unless one of the parties requests the tribunal, within 4 weeks as of the constitution of the arbitral tribunal, to operate according to the CEAC Hamburg Arbitration Rules as in force at the conclusion of this contract.”
CEAC Hamburg Arbitration Rules

- Based on UNCITRAL Rules (United Nations Commission on International Trade Law Arbitration Rules)

- Cooperation with Beijing-Hamburg Conciliation Centre Hamburg, an integrated service of arbitration, conciliation and mediation (Art. 1(3) CEAC Hamburg Arbitration Rules)

- Amendments and Supplements by the CEAC Hamburg Arbitration Rules
Place of Arbitral Proceedings

- Hamburg as seat of the arbitration
- Parties free to determine appropriate place for hearings
Costs of Arbitral Proceedings

- Set out in Fee Schedule and Annex
- Appropriate (about middle of HKIAC frame, comparable to Fee Schedules of other European arbitration institutions)
- Divided in steps based on amount in dispute
- Special Rule for cases with extreme workload for the arbitrators
Thank You. 谢谢

For more information,
Please visit the websites

www.ceac-arbitration.com
www.cela-hamburg.com

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