

STATUTES

FOR THE

**CHINESE EUROPEAN
ARBITRATION CENTRE**

The General Assembly of the Chinese European Arbitration Centre GmbH i.G. has decided in the founding meeting on 2 September 2008 in accordance with § 3 subparagraph 2 sentence 2 of the Articles of Association on the following *Statutes for the Chinese European Arbitration Centre*:

Article 1
List of Arbitrators

- (1) The management shall add to the List of Arbitrators all individual members or persons listed by corporate members of the CHINESE EUROPEAN LEGAL ASSOCIATION e.V. who comply with the following conditions:
- (a) admission as an attorney in good standing at a bar of any nation in the world for at least eight years or submission of a comparable documentation of experience (e.g. eight years experience as judge, academic or inhouse-counsel);
 - (b) submission of a duly signed Application Form for Arbitrators (the submission of a pdf-document by email is sufficient);
 - (c) submission of a *Curriculum Vitae*;
 - (d) commitment to promote cross cultural legal exchange, in particular in the area of dispute resolution.
- (2) ¹In accordance with § 12 Articles of Association of the Chinese European Arbitration Centre GmbH, the management shall decide on admission to the List of Arbitrators until 31 December 2009 assisted, as it deems fit, by the Advisory Board. ²As of 1 January 2010, the decision on admission to the List of Arbitrators shall be transferred to the Advisory Board which shall decide in regular intervals, at least bi-annually.

Article 2 **Appointing Authority**

- (1) ¹According to § 8 sentence 1 Articles of Association of the Chinese European Arbitration Centre GmbH, the Appointing Authority shall consist of one or more Chambers. ²It is intended to establish the first three Chambers until June 2009.

- (2) ¹Each Chamber shall be responsible in all matters for which it has jurisdiction. ²The Advisory Board, acting upon proposal of the management (which is not binding), shall determine the competence of each Chamber. ³The competence shall be based initially on the Latin alphabet (e.g. all matters against a Respondent named first as Respondent in a document initiating the arbitration (Notice of Arbitration) whose name starts with the letter "A" shall be dealt with by Chamber I). ⁴The division of competence between the Chambers shall be based on a division of the number 26 by the number of Chambers. ⁵The division of competence of the Chambers as decided by the Advisory Board shall be published on the website of the *Chinese European Arbitration Centre*.

- (3) ¹The members of the Chambers shall be proposed to the Advisory Board by the management. ²The Advisory Board shall appoint the members of each Chamber of the Appointing Authority for a period of two years. ³Consecutive appointments are permitted.

- (4) ¹Each Chamber of the Appointing Authority shall consist of three members and three alternate members. ²The members of the Chamber responsible for the letters following the letters for which the Chamber is competent shall act as alternate members to the Chamber responsible for the previous letters in the alphabet. ³In principle, each Chamber shall consist of one member from China, one from Europe and one from other parts of the world. ⁴In the case of one or more members being temporarily unable to perform their duties, the alternate member(s) shall in principle come from the same "area" (China, Europe, other parts of the world) as the member, subject to practical availability.

- (5) ¹The Appointing Authority shall have all powers and duties as set forth in the *Arbitration Rules for the Chinese European Arbitration Centre in Hamburg*

("CEAC Hamburg Arbitration Rules" or "CEAC Rules"), including in particular the power and obligation to nominate arbitrators and substitute arbitrators.²The Appointing Authority shall nominate as arbitrators shall only persons who are listed in the List of Arbitrators.³Any person who has acted as mediator or counsel in a previous conciliation or mediation proceeding regarding the same matter may not become an arbitrator in the arbitration proceeding following. The arbitrators shall be bound by the "IBA-Rules of Ethics for International Arbitrators" and the "IBA International Code of Ethics" issued by the International Bar Association (IBA).

- (6) ¹The competent Chamber of the Appointing Authority also revokes the mandate of arbitrators, to the extent that such revocation is provided for by the *CEAC Hamburg Arbitration Rules*.
- (7) ¹The competent Chamber of the Appointing Authority decides on additional costs to be granted to the arbitrators because of exceeding workload in the arbitral proceeding according to No. 4 Schedule of Costs in the event that the Advisory Board of the Chinese European Arbitration Centre GmbH has delegated such power of decision to the Appointing Authority.²This decision shall be made by the competent Chamber of the Appointing Authority with due regard to the circumstances of the arbitral proceedings.
- (8) ¹Further functions may be assigned to the Appointing Authority by virtue of the *CEAC Hamburg Arbitration Rules*.
- (9) ¹The Appointing Authority is not bound by proposals or directions.²Its work is confidential.³It decides by simple majority.⁴The decisions are taken by any appropriate means.⁵Minutes are to be taken on the decisions made.
- (10) ¹Members of a Chamber of the Appointing Authority who participate in any function in arbitral proceedings within the scope of the *CEAC Hamburg Arbitration Rules* cannot exercise their function as members of a Chamber regarding such arbitral proceeding.²A member of a Chamber of the Appointing Authority may not be nominated as arbitrator by the Appointing Authority in any matter for which that particular Chamber is competent.³If a member of an Appointing Authority has been appointed as arbitrator by a party in a matter for which the Chamber to which that arbitrator belongs is competent, it

shall be subrogated for that matter by the competent alternate member to that Chamber. ⁴These rules apply *mutatis mutandis* for alternate members of a Chamber.

- (11) In case of dispute, the Advisory Board shall decide (however without the participation of any person involved in the disputed proceeding).

Hamburg, 02 September 2008