



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





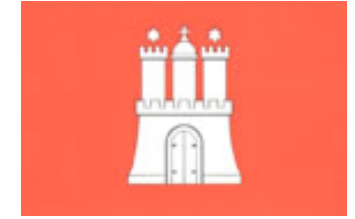
Principle of Balance of Power and Neutrality

- 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

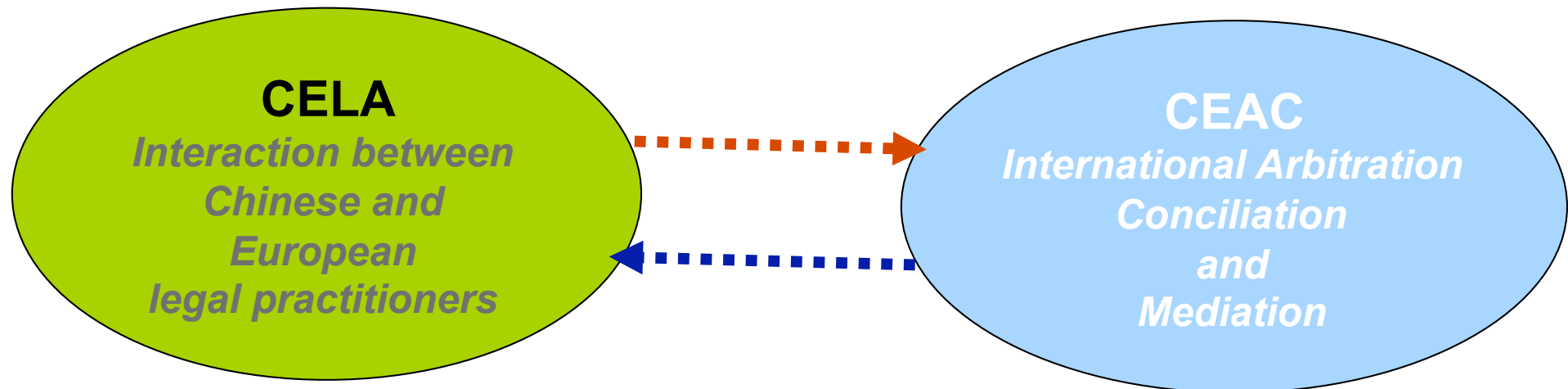
- CELA - Chinese European Legal Association e.V.
(Association under German private law)
- CEAC – Chinese European Arbitration Centre GmbH
(German Limited Liability Company)





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.

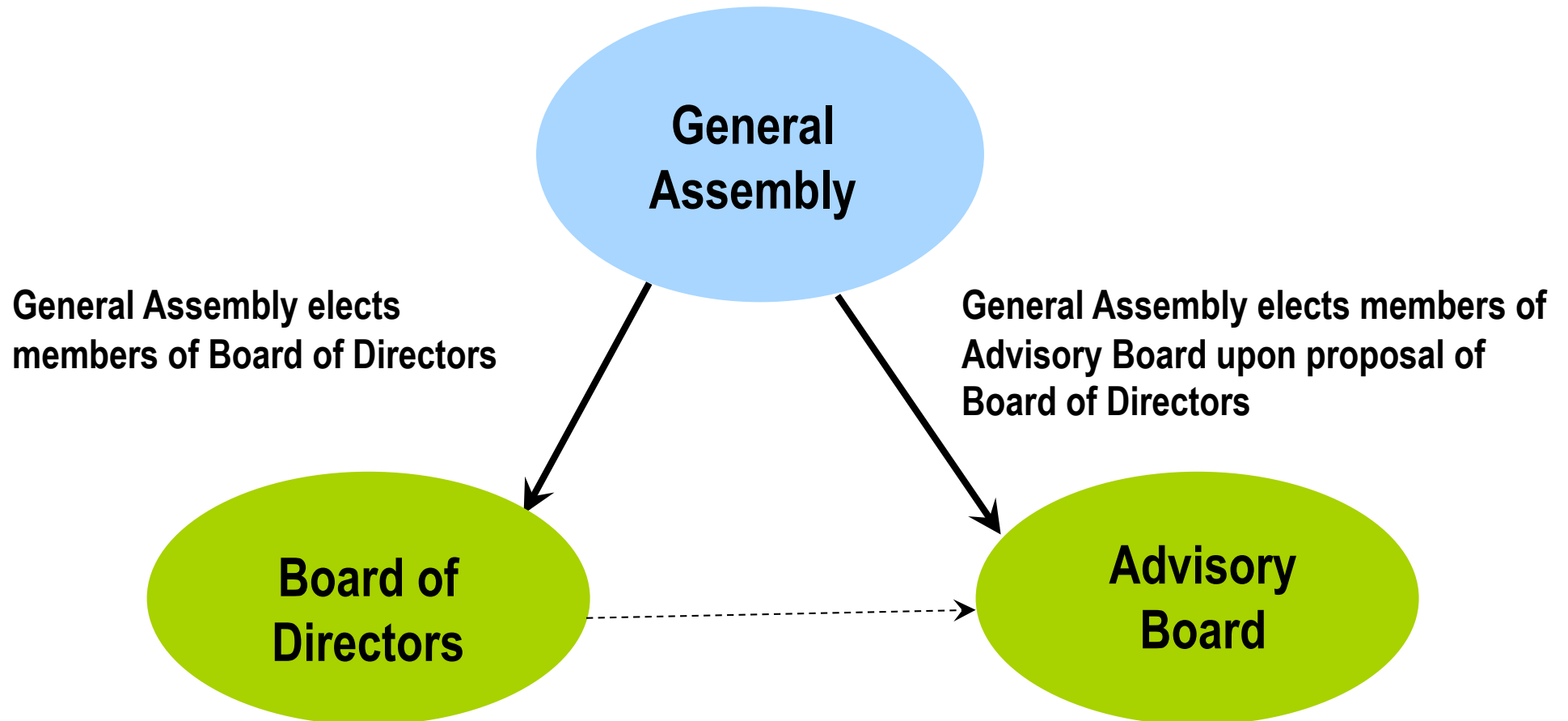
Founding Members

- 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





CELA - Chinese European Legal Association e.V.





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Membership with CELA

- Law Firm Membership
- Individual Membership





CELA - Chinese European Legal Association e.V.

- 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





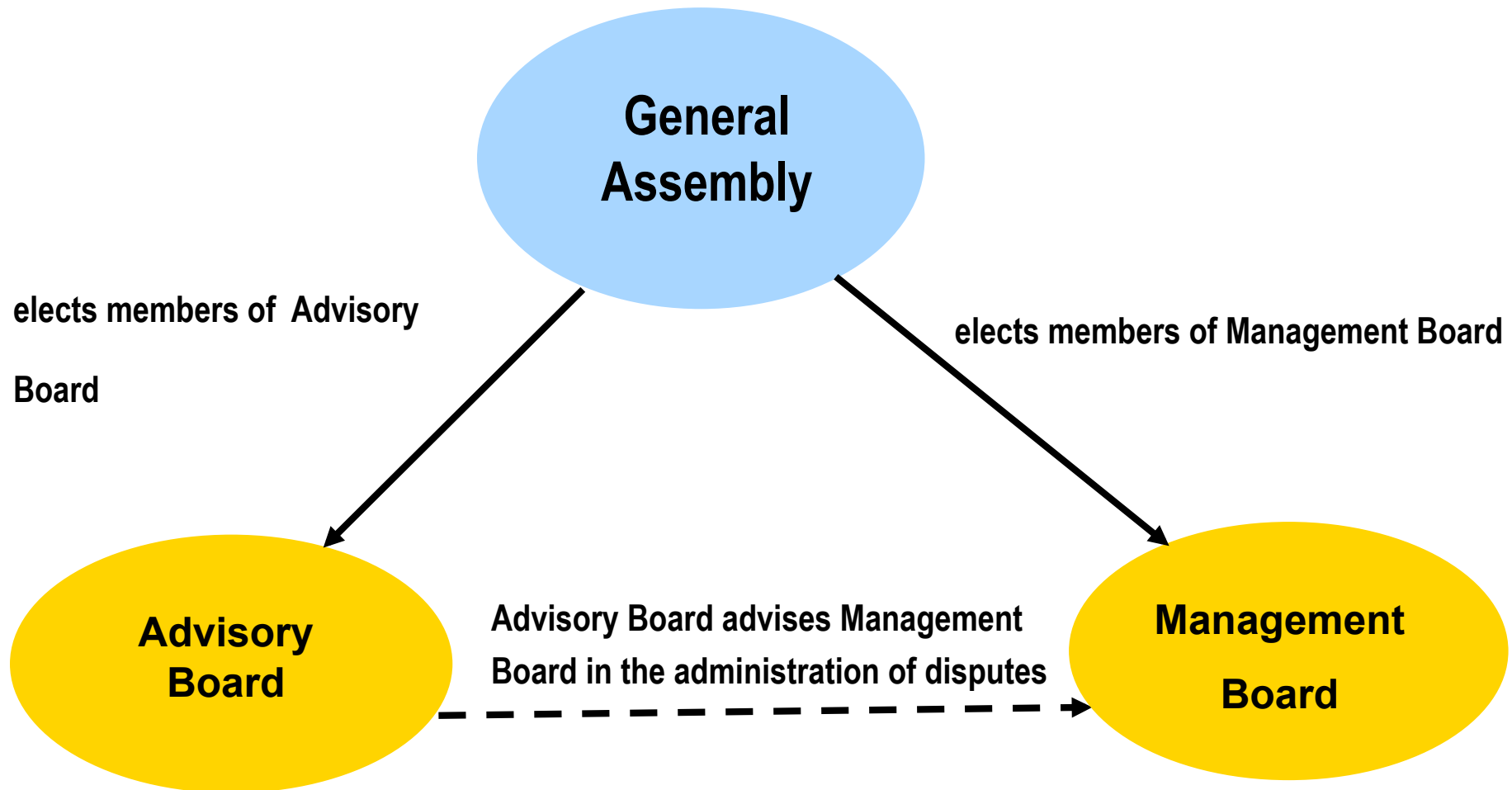
CELA - Chinese European Legal Association e.V.

- 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



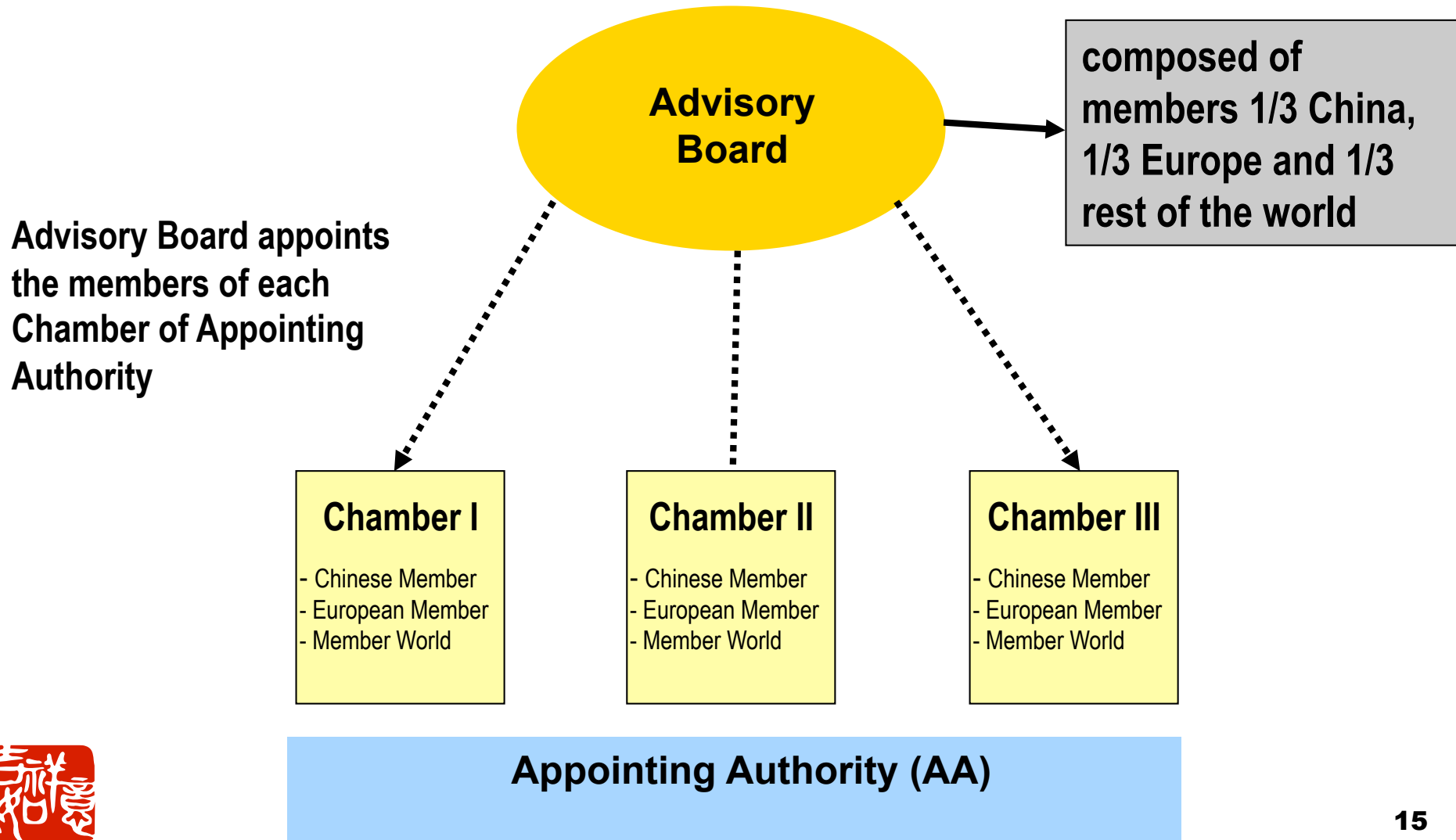


CEAC – Chinese European Arbitration Centre GmbH





■ **Functions of the CEAC Advisory Board**





- **Chambers of the Appointing Authority**

Each chamber shall consist of three members and three alternate members

**Chamber
I**

**Chamber
II**
alternate for
Chamber I

**Chamber
III**
alternate for
Chamber II



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:

Member from **China**:

*Lu Song,
International Law
Institute, Beijing*

Member from **Europe**:

*Angelo Anglani,
Ughi e Nunziante –
Studio Legale, Rome*

Member from **the rest
of the world**:

*Karen Mills,
KarimSyah Law Firm,
Jakarta*





Officers

CELA

CEAC

Chairman of the Board

Dr. Eckart Brödermann
(Brödermann & Jahn,
Hamburg)

Axel Neelmeier
(Schulz Noack
Bärwinkel, Hamburg/
Shanghai)

Chairman of the Advisory Board

Gao Zongze
(King & Wood, Beijing)

Hew R. Dundas
(Former President of
the Chartered Institute
of Arbitrators, London)





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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