

深圳国际仲裁院调解中心调解规则

Shenzhen Court of International Arbitration Mediation Center

Mediation Rules

第一条 宗旨和原则

为和谐、快捷、高效、低成本地解决商事争议，特制定本调解规则。

调解应遵循当事人自愿的原则，根据相关法律法规，参照国际惯例，促使当事人互谅互让，达成和解。

Article 1 Purposes and Principles

The Mediation Rules hereunder (the “Rules”) are enacted to facilitate the parties to settle their commercial disputes in a harmonious, prompt, efficient, and low-cost manner.

Mediation shall be conducted on a voluntary basis and in accordance with laws and regulations, refer to international practices, and encourage parties to negotiate and reconcile.

第二条 调解范围和规则适用

国内外平等主体的自然人、法人和其他组织之间发生的商事争议，可提交至深圳国际仲裁院调解中心（又名华南国际经济贸易仲裁委员会调解中心，以下简称“调解中心”）调解。

上述商事争议，无论是否已经提起仲裁、诉讼或其他争议解决程序，均可提交调解中心调解。凡各方当事人同意将争议提交调解中心进行调解的，均视为同意按照本调解规则进行调解。各方当事人另有约定且调解中心同意的，从其约定。

Article 2 Scope of Mediation and Application of the Rules

Commercial disputes arising between natural persons, legal persons, and other organizations, both domestic and international, can be submitted to the Shenzhen Court of International Arbitration Mediation Center (also known as the South China International Economic and Trade Arbitration Commission Mediation Center, hereinafter referred to as the “Center”) for mediation.

The aforesaid commercial disputes, whether or not arbitration, litigation or other dispute resolution procedures have been initiated, can be submitted to the Center for mediation. Where the parties agree to submit disputes to the Center for mediation, the parties shall be deemed to have agreed to mediate in accordance with the Rules. Where the parties have agreed on other arrangements and agreed upon by the Center, the parties’ agreement shall prevail.

第三条 调解申请和受理

任何一方、双方或多方当事人均可向调解中心申请调解，无论当事人之间是否存在提交调解的协议。

当事人一方申请调解的，应提交调解申请书。调解申请书应包含关于争议事实的简要介绍、争议各方当事人或其代理人的有效联系方式。当事人委托代理人参加调解的，应提交授权委托书。

调解中心在收到调解申请书后，应及时通知其他当事人；其他当事人应在收到通知之日起5日内书面确认是否同意参与调解；在该期限内不予确认的，视为拒绝调解。

各方当事人确认同意参与调解并按照本调解规则第十五条规定预缴调解费后，调解程序开始。调解中心应及时向各方当事人发送调解通知、调解规则及调解专家名册。

Article 3 Request for Mediation and Acceptance of a Case

Any party is entitled to apply to the Center for mediation, regardless of whether there is an agreement to mediation among the parties.

A party applying for mediation shall submit a Request for Mediation. The Request for Mediation shall include a brief introduction of the facts of the dispute, effective contact information of the disputing parties or their representatives. The parties shall submit a Power of Attorney if they authorize representative(s) to participate in the mediation.

Upon receiving the Request for Mediation, the Center shall promptly notify the other parties; the other parties shall confirm in writing whether they agree to mediation within five (5) days from the date of receipt of the notice; failure to confirm within this period shall be deemed a refusal to mediate.

Once all parties confirm their agreement to mediation and pay the mediation fees in advance as stipulated in Article 15 of the Rules, the mediation process begins. The Center shall promptly send Notice of Mediation, the Rules, and the Panel of Mediators of Shenzhen Court of International Arbitration Mediation Center (hereinafter referred to as the “Panel of Mediators”) to the parties.

第四条 调解专家的确定

调解案件由一名调解专家进行独任调解，各方当事人另有约定的除外。

当事人应在收到调解通知之日起5日内共同指定一名调解专家。逾期未能共同指定的，由调解中心指定。

调解专家可以在调解中心提供的调解专家名册中指定，也可以在该名册之外指定。在该名册之外指定的，应征得调解中心确认。

Article 4 Appointment of Mediator

Mediation cases shall be mediated by one (1) mediator, unless otherwise agreed by the parties.

Parties shall jointly appoint a mediator within five (5) days from the date of receipt of the Notice of Mediation, failing which, the mediator shall be appointed by the Center.

Mediator can be appointed from or outside the Panel of Arbitrators provided by the Center. For appointments outside the Panel of Arbitrators, approval from the Center is required.

第五条 调解专家的信息披露

经确定的调解专家应及时向调解中心及当事人披露可能影响其调解独立性、公正性的情况。

Article 5 Disclosure by Mediator

The appointed mediator shall promptly disclose to the Center and the parties any circumstances that may affect his or her independence and impartiality in mediation.

第六条 调解专家的替换

调解专家无法履行或不适宜履行职责的，按照本调解规则第四条规定重新确定调解专家，各方当事人另有约定的除外。

Article 6 Replacement of Mediator

A mediator shall be replaced if he/she becomes unable or inappropriate to fulfil his/her functions. A new mediator shall be appointed in accordance with Article 4 of the Rules, unless otherwise agreed by the parties.

第七条 调解方式

调解专家可以采用其认为有利于当事人达成和解的方式对争议进行调解。这种方式包括但不限于：

(一) 调解程序开始之后，调解专家可以单独或同时会见当事人及其代理人进行调解；

(二) 在调解过程中，调解专家可以要求当事人提出书面或口头的建议或方案；

(三) 在调解过程中，调解专家可以根据已掌握的情况，依据公平合理原则，向当事人提出解决争议的建议或方案。

Article 7 Conduct of Mediation Proceedings

The mediator may conduct the mediation in a manner as he/she considers helpful for the parties to reach a settlement. These methods include but are not limited to:

(1) After the commencement of the mediation proceedings, the mediator may communicate with the parties and their representatives together or with any party separately; (2) In the mediation proceedings, the mediator may request the parties to submit written or oral suggestions or proposals;

(3) In the mediation proceedings, the mediator may, based on the information acquired and the principles of fairness and reasonableness, make suggestions or proposals for dispute resolution to the parties.

第八条 保密

除非各方当事人另有约定，调解不公开进行。

调解专家、各方当事人及其代理人、调解中心工作人员以及其他参与调解过程的人员对于调解事项均负有保密义务，除非各方当事人另有约定或法律法规另有规定。

Article 8 Confidentiality

Unless otherwise agreed by all parties, mediation procedures shall not be open to the public.

The mediator, parties and their representatives, staff of the Center, and other persons involved in the mediation procedures shall be obligated to keep the mediation confidential, unless otherwise agreed by the parties or otherwise provided by laws and regulations.

第九条 调解期限

各方当事人可以约定调解期限。

调解专家在征得各方当事人同意后，也可以确定调解期限。

未确定调解期限的，调解应当自调解专家被确定之日起30日内完成，各方当事人要求或同意延期并经调解中心认可的除外。

Article 9 Time-limit for the Mediation

Parties may agree on the time-limit for the mediation.

With the consent of the parties, the mediator may also determine the time-limit for the mediation.

If the time-limit for the mediation is not determined, the mediation shall be completed within thirty (30) days from the date

of the appointment of the mediator, unless the parties request or agree to an extension and it is approved by the Center.

第十条 调解地点

调解在调解中心所在地或各方当事人约定的地点进行。

Article 10 Place of the Hearing of Mediation

The hearing of mediation shall be conducted at the Center or at a place agreed upon by all parties.

第十一条 调解程序终止

出现以下情形之一，调解程序终止：

- (一) 各方当事人之间达成和解协议；
- (二) 调解专家认为调解已无成功的可能，决定终止调解；
- (三) 任何一方当事人通知调解中心终止调解程序；
- (四) 调解期限届满；
- (五) 调解中心认为调解程序需要终止的其他情形。

Article 11 Termination of the Mediation

The pending mediation procedures shall be terminated if any of the following circumstances occur:

- (1) The parties have agreed on a settlement agreement;

(2) The mediator considers mediation to be unobtainable and has decided to terminate the mediation;

(3) Any party has notified the Center to terminate the mediation;

(4) The time-limit for mediation has expired;

(5) Other circumstances that the Center considers termination imperative.

第十二条 和解协议

经过调解达成和解协议的，由各方当事人在和解协议上签字或盖章。

Article 12 Settlement Agreement

A settlement agreement reached through mediation shall be signed or sealed by the parties.

第十三条 调解与仲裁相结合

各方当事人达成和解协议的，为使和解协议的内容具有可强制执行的法律效力，任何一方当事人可依据和解协议中的仲裁条款，申请深圳国际仲裁院按照其申请仲裁时实施的《仲裁规则》的规定，根据和解协议的内容作出仲裁调解书或者裁决书。

各方当事人不能达成和解协议的，任何一方当事人均有权依据仲裁协议将争议提交深圳国际仲裁院仲裁。

Article 13 Combination of Mediation and Arbitration

If a settlement agreement is reached, to make the content of the settlement agreement legally enforceable, any party may, based on the arbitration clause in the settlement agreement, apply to the Shenzhen Court of International Arbitration (the “SCIA”) in accordance with the SCIA Arbitration Rules implemented at the time of the request for arbitration, to issue a mediation statement or arbitral award based on the content of the settlement agreement.

If parties cannot reach a settlement agreement, any party has the right to submit the dispute to the SCIA for arbitration according to the arbitration agreement.

第十四条 调解程序的独立性

任何一方当事人不得在之后的仲裁程序、司法程序或者其他任何程序中援引对方当事人或者调解专家在调解过程中的任何陈述、意见、观点、建议或材料作为其请求、答辩或者反请求的依据。

调解专家不得在就同一或相关争议进行的仲裁或诉讼程序中担任仲裁员、一方当事人的代理人或证人，各方当事人书面同意的除外。

Article 14 Independence of the Mediation

Any statement, view, opinion, suggestion, or material presented by either party or by the mediator in the mediation

cannot be invoked by either party as grounds for supporting any claims, defenses, or counterclaims in the subsequent arbitration proceedings, judicial proceedings, or any other proceedings.

The mediator shall not be an arbitrator, representative of a party, or witness in any other arbitration or litigation proceedings concerning the same or related dispute, except with the written consent of the parties.

第十五条 费用

当事人应在收到调解中心发出的预缴调解费通知之日起 5 日内按调解费用表预缴调解费。

调解费原则上由申请人预缴，调解中心也可根据实际情况决定预缴费用的当事人。各方当事人约定按比例共同预缴的，从其约定。

Article 15 Fees and Costs

The parties shall pay the mediation fees and costs in advance within five (5) days from the date of receipt of the notice of payment issued by the Center, according to the Schedule of Fees and Costs of Mediation.

In principle, the claimant shall pay the mediation fees and costs in advance. The Center may determine which party to pay the mediation fees and costs in advance according to actual situations. Where the parties have agreed on the proportion of the payment, the agreement shall prevail.

第十六条 其他规定

本调解规则由深圳国际仲裁院负责解释。

本调解规则自 2023 年 10 月 7 日起施行。本调解规则施行前调解中心受理的调解案件，仍适用受理案件时适用的调解规则；双方当事人同意的，也可以适用本规则。

Article 16 Miscellaneous

The Rules shall be interpreted by the SCIA.

The Rules shall be effective as from 7 October 2023. For mediation cases accepted by the Center before the Rules come into force, the Rules effective at the time of acceptance shall apply, or where the parties agree, the Rules shall apply.

附件：

《深圳国际仲裁院调解中心调解费用表》

争议金额 (人民币)	机构管理费用 (人民币)	调解专家报酬 (人民币)
50 万元及以下	1,000 元	6,000 元
500,001 元至 1,000,000 元	1,000 元+争议金额 500,000 元 以上部分的 0.2%	6,000 元+争议金额 500,000 元 以上部分的 0.2%
1,000,001 元至 5,000,000 元	2,000 元+争议金额 1,000,000 元 以上部分的 0.12%	7,000 元+争议金额 1,000,000 元 以上部分的 0.13%

5,000,001 元至 10,000,000 元	6,800 元+争议金额 5,000,000 元 以上部分的 0.04%	12,200 元+争议金额 5,000,000 元 以上部分的 0.07%
10,000,001 元至 50,000,000 元	8,800 元+争议金额 10,000,000 元 以上部分的 0.03%	15,700 元+争议金额 10,000,000 元 以上部分的 0.06%
50,000,001 元至 100,000,000 元	20,800 元+争议金额 50,000,000 元 以上部分的 0.02%	39,700 元+争议金额 50,000,000 元 以上部分的 0.05%
100,000,001 元至 500,000,000 元	30,800 元+争议金额 100,000,000 元 以上部分的 0.015%	64,700 元+争议金额 100,000,000 元 以上部分的 0.02%
500,000,001 元至 1,000,000,000 元	90,800 元+争议金额 500,000,000 元 以上部分的 0.014%	144,700 元+争议金额 100,000,000 元 以上部分的 0.015%
1,000,000,001 元至 3,000,000,000 元	160,800 元+争议金额 500,000,000 元	219,700 元+争议金额 100,000,000 元 以上部分的 0.01%
3,000,000,001 元以上	180,800 元	419,700 元

Appendix:

Schedule of Fees and Costs of Mediation

Amount in Dispute ("AID") ("RMB")	Administrative Fees and Costs ("RMB")	Remuneration for Mediator ("RMB")
500,000 and below	1, 000	6, 000
500,001 to 1,000,000	1,000 + 0.2% of the AID above 500,000	6,000 + 0.2% of the AID above 500,000
1,000,001 to 5,000,000	2,000 + 0.12% of the AID above 1,000,000	7,000 + 0.13% of the AID above 1,000,000
5,000,001 to 10,000,000	6,800 + 0.04% of the AID above 5,000,000	12,200 + 0.07% of the AID above 5,000,000

10,000,001 to 50,000,000	8,800 + 0.03% of the AID above 10,000,000	15,700 + 0.06% of the AID above 10,000,000
50,000,001 to 100,000,000	20,800 + 0.02% of the AID above 50,000,000	39,700 + 0.05% of the AID above 50,000,000
100,000,001 to 500,000,000	30,800 + 0.015% of the AID above 100,000,000	64,700 + 0.02% of the AID above 100,000,000
500,000,001 to 1,000,000,000	90,800 + 0.014% of the AID above 500,000,000	144,700 + 0.015% of the AID above 500,000,000
1,000,000,001 to 3,000,000,000	160,800 + 0.001% of the AID above 1,000,000,000	219,700 + 0.01% of the AID above 1,000,000,000
Over 3,000,000,001	180,800	419,700

说明:

Notes:

1. 申请调解时，当事人应向调解中心缴付注册费用人民币 1,000 元。该费用在任何情形下不予退还。

1.While applying for mediation, the parties shall pay a registration fee of RMB 1,000 Yuan to the Center. This fee is nonrefundable under any circumstances.

2. 申请调解时争议金额不明确的，由调解中心根据争议所涉及权益的具体情况、争议复杂程度等因素确定预先收取的调解费用数额。

2. Where no monetary claim is specified or the amount in dispute is not clear at the time of application for mediation, the Center shall determine the amount of mediation fee to be collected in advance based on factors such as the specific rights and interests involved in the dispute, the complexity of the dispute, etc.

3. 当事人预缴的调解为外币时，按《调解费用表》列明的标准计算与人民币等值的外币。

3. If the mediation fee is charged in a foreign currency, an amount of the foreign currency equivalent to the corresponding RMB value specified in this schedule shall be paid.

4. 调解中心可以根据调解需要另行收取境内外调解专家差旅费、外地调解场所租赁费等其他合理的实际开支。

4. The Center may charge other necessary expenses such as travel expenses of domestic or foreign mediators, rental of foreign mediation venues, etc., as needed to mediation.

5. 各方当事人和调解专家就调解专家报酬另有约定的，从其约定，但应经调解中心核准。

5. If the parties and the mediator have agreed otherwise on the remuneration of the mediator, the agreement shall prevail, subject to the approval of the Center.

6. 当事人约定两名或者两名以上调解专家的，调解专家报酬按照增加的人数加倍计算。

6. If parties agree to invite two or more mediators, the remuneration of the mediators shall be increased according to the number of extra mediators invited.

7. 当事人一方或双方相同、争议事项和调解方案相同或相似且案件数量为 3 宗以上的系列案件，机构管理费和调解专家报酬按 70% 计算；案件数量为 10 宗以上的，机构管理费和调解专家报酬按 50% 计算。

7. For series cases where one or both parties are the same, the subject matter of the dispute and the mediation plan are the same or similar, and the number of cases is more than 3, the administrative fees and the remuneration of the mediators shall be calculated at 70% of the standard rate; if the number of cases is more than 10, the administrative fees and the remuneration of the mediators shall be calculated at 50% of the standard rate.

8. 调解不成的，调解中心可结合调解所花费时间、争议金额、争议复杂程度等因素酌情退回有关费用，但收取的机构管理费用不少于人民币 1,000 元，调解专家报酬不少于人民币 6,000 元。

8. If the mediation fails, the Center may issue a refund of the relevant fees as appropriate by considering factors such as the workload of the mediation, the amount in dispute, the complexity of the dispute, etc., provided that the administrative fee collected is no less than RMB 1,000 Yuan and the remuneration of the mediator is no less than RMB 6,000 Yuan.

9. 经调解中心调解，当事人根据《深圳国际仲裁院仲裁规则》申请仲裁的，当事人预交的机构管理费用可转为仲裁费的相应金额。

9. If parties apply for arbitration under the SCIA Arbitration Rules after the mediation of the Center, the administrative fees paid in advance may then be calculated as the arbitration fees of the corresponding amount.

10. 向深圳国际仲裁院申请仲裁并预交了仲裁费的案件，当事人无需另行缴付调解费用。调解专家报酬由调解中心综合考虑调解结果、调解所花费时间、争议金额、争议复杂程度等因素确定并支付。

10. For cases that have applied for arbitration with the SCIA and have paid the arbitration fees and costs in advance, parties do not need to pay the mediation fees and costs separately. The remuneration of mediators shall be determined and paid by the Center, considering the mediation results, the workload of the mediation, the amount in dispute, the complexity of the dispute, etc.