Comparison Table of Revisions in the New Rules			
Arbitration Rules 2019	New Arbitration Rules 2022	Main revisions	Reason for revisions
Article 7: Application	Article 7: Application for	New wording is added in	The arbitration agreement
for Arbitration	Arbitration	sub-paragraph (b) of	on which the application
(1) A party applying	(1) A party applying for	Paragraph (1) as Item (ii):	for arbitration is based is
for arbitration (the	arbitration (the	"the arbitration agreement	not only the basis for the
"Claimant") shall	"Claimant") shall submit:	on which the application for	BAC to accept the case,
submit:	(a) the arbitration	arbitration is based". The	but also the basis for the
(a) the arbitration	agreement;	number of original Item (ii)	Arbitral Tribunal to
agreement;	(b) its application for	and the paragraphs that	determine the scope of its
(b) its application for	arbitration (the	follow are amended	jurisdiction. Particularly in
arbitration (the	"Application for	consequentially.	the case of multiple
"Application for	Arbitration"), containing		contracts between the
Arbitration"),	the following		parties (Article 8). The
containing the	information:		arbitration agreement on
following information:	(i) the names, addresses,		which the application for
(i) the names,	postcodes, telephone		arbitration is based is of
addresses, postcodes,	numbers, facsimile		great significance for the
telephone numbers,	numbers, email addresses		parties in establishing
facsimile numbers,	and details of any other		claims and the Arbitral
email addresses and	effective means of		Tribunal in determining the
details of any other	communication with the		scope of its jurisdiction. In
effective means of	Claimant and the		practice, in the process of
communication with	Respondent; where a		filing and accepting cases,
the Claimant and the	party concerned is a legal		the BAC will also suggest
Respondent; where a	person or other		the parties to provide the
party concerned is a	organization, the name,		arbitration agreement on
legal person or other	position, address,		which the application for
organization, the name,	postcode, telephone		arbitration is based, which
position,	number, facsimile		has been clearly defined in
address, postcode,	number, email address		the Arbitration Rules 2022.
telephone number,	and details of any other		
facsimile number,	effective means of		
email address and	communication with the		
details of any other	legal representative or		
effective means of	the person in charge;		
communication with	(ii) the arbitration		

the legal representative agreement on which or the person in charge; the Application for (ii) its claim for relief Arbitration is based; (the "Claim"); and (iii) its claim for relief (iii) the facts and (the "Claim"); and grounds on which the (iv) the facts and grounds on which the Claim is Claim is based. (c) the evidence and/or based (c) the evidence and/or other supporting documents on which other supporting the Application for documents on which the Arbitration is based; Application for and Arbitration is based; and (d) proof of the (d) proof of the Claimant's identity. Claimant's identity. (2) The Claimant shall (2) The Claimant shall deposit an advance on deposit an advance on the arbitrator's fees and the arbitrator's fees and the administration fees the administration fees (together, the "arbitration (together, the "arbitration fees") in fees") in accordance with accordance with the the provisions of the provisions of the Beijing Arbitration Beijing Arbitration Commission/Beijing Commission Schedule International Arbitration of Arbitration Fees Center Schedule of [Annex I]. Where the Arbitration Fees [Annex amount in dispute is I]. Where the amount in not specified in the dispute is not specified in Application for the Application for Arbitration, the BAC Arbitration, the BAC shall determine the shall determine the amount in dispute or amount in dispute or the the amount of the amount of the arbitration arbitration fees that fees that shall be shall be deposited in deposited in advance. (3) If a party is unable to advance.

(3) If a party is unable to deposit the required advance on the arbitration fees within the specified time period due to special circumstances, it may apply to the BAC for an extension of time, and the BAC shall determine whether to grant the extension. If a party has neither deposited the required advance nor applied for an extension of time, or has failed to deposit the full amount of the advance on arbitration fees within an extended time limit granted by the BAC, it shall be deemed not to have submitted or to have withdrawn its Application for Arbitration, as the case may be.

deposit the required advance on the arbitration fees within the specified time period due to special circumstances, it may apply to the BAC for an extension of time, and the BAC shall determine whether to grant the extension. If a party has neither deposited the required advance nor applied for an extension of time, or has failed to deposit the full amount of the advance on arbitration fees within an extended time limit granted by the BAC, it shall be deemed not to have submitted or to have withdrawn its Application for Arbitration, as the case may be.

Article 8: Single Arbitration under **Multiple Contracts** (1) A party may apply to commence a single arbitration concerning disputes arising out of or in connection with multiple contracts. provided that: (a) the arbitration agreements in such contracts are identical or compatible; (b) such contracts consist of a principal contract and its ancillary contract(s); or such contracts involve the same parties and disputes under such contracts involve the same or related subject matter. (2) In the event that a

party applies to

commence a single

arbitration concerning

disputes arising out of

or in connection with

multiple contracts, the

BAC shall, having

regard to the specific

circumstances of the

case, decide whether to

accept such application.

Article 8: Single Arbitration under **Multiple Contracts** (1) A party may apply to commence a single arbitration concerning disputes arising out of or in connection with multiple contracts. provided that: (a) the arbitration agreements in such contracts are identical or compatible; (b) such contracts consist of a principal contract and its ancillary contract(s); or such contracts involve the same parties, and disputes under such contracts involve the same or related subject matter. (2) In the event that a party applies to

In Sub-paragraph (b) of Paragraph (1) the Chinese wording "the parties to such contracts are the same" is amended to "such contracts involve the same parties". After Paragraph (2) a sentence is added: "If any other party raises an objection to the single arbitration under multiple contracts after the BAC accepts the application, the Arbitral Tribunal shall decide the matter".

With regard to the phrase, "parties to multiple contracts are the same", there are different understandings of what this means in practice. One understanding is that the parties to multiple contracts are exactly the same, and another is that the parties of such multiple contracts are not exactly the same, but may involve the same one. In accordance with the working practice of the BAC and combined with the purpose of the provisions for single arbitration under multiple contracts, the Arbitration Rules 2022 adopt the second understanding. In practice, after the filing of a case for single arbitration under multiple contracts, other parties may raise objections. Whether an objection shall be handled by the BAC or by the Arbitral Tribunal is not stipulated in the Arbitration Rules 2019, whereas the **Arbitration Rules 2022** make it clear that decision-making power shall be vested in the

commence a single

in connection with

arbitration concerning

multiple contracts, the

disputes arising out of or

		T	T
	an objection to single arbitration under multiple		Arbitral Tribunal.
	contracts after the BAC		
	accepts the application,		
	the Arbitral Tribunal		
	shall decide the matter.		
	shall decide the matter.		
Article 9: Acceptance	Article 9: Acceptance	After Paragraph (2), the	When the parties apply for
(1) After receiving the	(1) After receiving the	following sentence is	arbitration, if the
Application for	Application for	added: "The Claimant's	supporting materials do not
Arbitration, the BAC	Arbitration, the BAC	application for arbitration	comply with the provisions
shall, if it finds that the	shall, if it finds that the	and its attachments will not	of the Arbitration Rules,
requirements for	requirements for	be retained by the BAC".	the BAC will ask the
acceptance have been	acceptance have been		parties to rectify them. In
met, accept the	met, accept the		practice, some parties fail
Application for	Application for		to rectify the materials as
Arbitration within 10	Arbitration within 10		requested but at the same
days from the date of	days from the date of		time require the BAC to
deposit by the Claimant	deposit by the Claimant		retain them for various
of its advance on the	of its advance on the		reasons. In view of the
arbitration fees.	arbitration fees.		limited space resources of
(2) Where the	(2) Where the		the BAC and in order to
Application for	Application for		encourage the parties to
Arbitration does not	Arbitration does not		exercise their rights in a
comply with the	comply with the		timely manner, the
requirements of Article	requirements of Article		Arbitration Rules 2022
7(1), the Claimant shall	7(1), the Claimant shall		make it clear that if parties
rectify it within the	rectify it within the time		fail to rectify the materials
time limit specified by	limit specified by the		within a specified time
the BAC, failing which	BAC, failing which the		limit, they shall be deemed
the Claimant shall be	Claimant shall be		not to have applied for
deemed not to have	deemed not to have		arbitration and BAC shall

	I		
submitted an	submitted an Application		not retain the materials.
Application for	for Arbitration. The		
Arbitration.	Claimant's Application		
(3) The arbitral	for Arbitration and its		
proceedings shall be	attachments will not be		
deemed to commence	retained by the BAC.		
on the date of	(3) The arbitral		
acceptance of the	proceedings shall be		
Application for	deemed to commence on		
Arbitration by the	the date of acceptance of		
BAC.	the Application for		
	Arbitration by the BAC.		
Article 16: Submission	Article 16: Submission of	In Paragraph (1), the	Based on the principle of
of Documents and	Documents and Number	wording, "If the parties	party autonomy, the
Number of Copies	of Copies	agree to submit documents	Arbitration Rules 2022
(1) Unless otherwise	(1) Unless otherwise	in the arbitration directly to	make clear that parties may
agreed by the parties,	agreed by the parties,	the Arbitral Tribunal" is	agree either to submit
the parties shall submit	the parties shall submit	amended to "If the parties	arbitration documents
to the BAC documents	to the BAC documents	agree to submit documents	directly to the Arbitral
in the arbitration,	in the arbitration,	in the arbitration directly to	Tribunal, or to submit them
which the BAC shall	which the BAC shall	the Arbitral Tribunal or	directly to other parties,
forward to the Arbitral	forward to the Arbitral	other parties".	with no requirement for the
Tribunal and to the	Tribunal and to the		BAC to forward documents
other parties. If the	other parties. If the		to other parties. When
parties agree to submit	parties agree to submit		submitting arbitration
documents in the	documents in the		documents directly to other
arbitration directly to	arbitration directly to		parties, however, the
the Arbitral Tribunal,	the Arbitral Tribunal or		parties shall submit
copies of such	other parties, copies of		corresponding copies to the
documents shall be	such documents shall		BAC.
filed with the BAC.	be filed with the BAC.		
(2) The Application	(2) The Application for		
for Arbitration, the	Arbitration, the		
Statement of Defense,	Statement of Defense,		
the Application for	the Application for		
Counterclaim,	Counterclaim, evidence		
evidence and any	and any other written		

other written documents shall be documents shall be submitted in submitted in quintuplicate. Where quintuplicate. Where there are more than two there are more than parties, additional copies two parties, additional shall be provided copies shall be accordingly. If the provided accordingly. Arbitral Tribunal is If the Arbitral comprised of a sole Tribunal is comprised arbitrator, the number of of a sole arbitrator, copies shall be reduced the number of copies by two. shall be reduced by two. Article 20: Article 20: Composition The original Paragraph (5) In order to assist parties in Composition of the of the Arbitral Tribunal in the 2019 Rules becomes jointly nominating Arbitral Tribunal (1) Unless otherwise Paragraph (3) in the 2022 presiding arbitrators, the (1) Unless otherwise BAC has introduced a "list agreed by the parties or Rules, the original agreed by the parties provided for in the Rules, Paragraph (3) is changed to system", a the Arbitral Tribunal "recommendation system" or provided for in the Paragraph (4), and a new Rules, the Arbitral shall comprise 3 paragraph is added as and other nomination Tribunal shall arbitrators. Paragraph (5). The numbers systems since the **Arbitration Rules 2004** comprise 3 arbitrators. (2) Within 15 days of of the paragraphs that follow are amended (2) Within 15 days of receiving the Notice of were issued, thus receiving the Notice Arbitration, each party consequentially. increasing the possibility of of Arbitration, each shall nominate or request joint nominations being party shall nominate made. The Arbitration the Chairperson to appoint an arbitrator Rules 2022 further or request the from the Panel of Chairperson to stipulate that the Chairperson can, in the appoint an arbitrator Arbitrators. If a party from the Panel of fails to nominate an light of the circumstances of the case, decide that the Arbitrators. If a party arbitrator or fails to fails to nominate an request the Chairperson presiding arbitrator shall be arbitrator or fails to to appoint an arbitrator jointly nominated by the request the within the time limit, the two arbitrators nominated arbitrator shall be Chairperson to by the parties or appointed appoint an arbitrator appointed by the by the BAC Chairperson.

within the time limit. the arbitrator shall be appointed by the Chairperson. (3) Within 15 days of receipt by the Respondent of the Notice of Arbitration, the parties shall jointly nominate or jointly request the Chairperson to appoint the presiding arbitrator. The parties may each nominate between 1 and 3 arbitrator(s) as candidate(s) for the role of presiding arbitrator within the time limit. Where the parties agree or make an application to the BAC, the BAC may also provide a list of between 5 and 7 candidates for presiding arbitrator from which the parties may each select between 3 and 4 candidates within the time limit specified by the BAC. Where there is only one common candidate on both parties' lists for

Chairperson.

(3) Where there are two or more Claimants or Respondents in the case, the Claimants or the Respondents shall jointly nominate or jointly request the Chairperson to appoint an arbitrator; if no joint nomination or joint request has been made within 15 days from the date of receipt of the Notice of Arbitration by the last party, the arbitrator shall be appointed by the Chairperson. (4) Within 15 days of receipt by the Respondent of the Notice of Arbitration, the parties shall jointly nominate or jointly request the Chairperson to appoint the presiding arbitrator. The parties may each nominate between 1 and 3 arbitrator(s) as candidate(s) for the role of presiding arbitrator within the time limit. Where the parties agree or make an application to

the BAC, the BAC may

also provide a list of

Further, in order to avoid any adverse impact of joint nomination of the presiding arbitrator by party or BAC appointed arbitrators on the efficient handling of the case, the Arbitration Rules 2022 stipulate that "the two arbitrators shall jointly nominate the presiding arbitrator within 10 days from the date of receipt of the notice from the BAC". If the presiding arbitrator is not nominated within the time limit, it shall be appointed by the Chairperson.

nomination or selection, that candidate shall be deemed to have been jointly nominated by both parties as presiding arbitrator. If there are two or more common candidates. the Chairperson shall, taking into consideration the particular circumstances of the case, appoint one of those candidates as the presiding arbitrator, who shall be deemed to have been jointly nominated by the parties. If there are no common candidates. the Chairperson shall appoint an arbitrator who is not on the list of nomination or the list of selection as the presiding arbitrator, as the case may be. (4) If the parties fail to nominate the presiding arbitrator jointly, in accordance with Article 20(2) and (3), the presiding arbitrator shall be

between 5 and 7 candidates for presiding arbitrator from which the parties may each select between 3 and 4 candidates within the time limit specified by the BAC. Where there is only one common candidate on both parties' lists for nomination or selection, that candidate shall be deemed to have been jointly nominated by both parties as presiding arbitrator. If there are two or more common candidates, the Chairperson shall, taking into consideration the particular circumstances of the case, appoint one of those candidates as the presiding arbitrator, who shall be deemed to have been jointly nominated by the parties. If there are no common candidates, the Chairperson shall appoint an arbitrator who is not on the list of nomination or the list of selection as the presiding arbitrator, as the case may be. (5) If both parties fail to

appointed by the Chairperson. (5) Where there are two or more Claimants or Respondents, each set of Claimants or Respondents shall, by agreement, jointly nominate or jointly request the Chairperson to appoint an arbitrator. If no joint nomination or joint request has been made within 15 days of receipt of the Notice of Arbitration by the last party, the Chairperson shall then appoint the arbitrator. (6) In the event of a joinder, the joined party shall nominate the arbitrator jointly with either the Claimant or the Respondent, as the case may be. If no such a nomination has been made, all members of the Arbitral Tribunal shall be appointed by the Chairperson. (7) Where a party nominates an

nominate jointly the presiding arbitrator in accordance with Article 20(4), the Chairperson may, in the light of the circumstances of the case, decide that the presiding arbitrator shall be jointly nominated by the arbitrators appointed in accordance with Article 20(2) or (3). The two arbitrators shall jointly nominate the presiding arbitrator within 10 days from the date of receipt of the notice from the BAC (6) If the presiding arbitrator is not nominated in accordance with the above provisions, it shall be appointed by the Chairperson. (7) In the event of a joinder, the joined party shall nominate the arbitrator jointly with either the Claimant or the Respondent, as the case may be. If no such a nomination has been made, all members of the Arbitral Tribunal shall be appointed by the Chairperson.

arbitrator who resides outside Beijing, that party shall bear the necessary travel and accommodation expenses incurred by that arbitrator for hearing the case. If that party has not deposited the advance on such expenses within the period specified by the BAC, it shall be deemed not to have nominated that arbitrator. In this event, the Chairperson may appoint another arbitrator for that party in accordance with this Article. (8) Where an arbitrator declines to accept a party's nomination or is unable to participate in the arbitration, due to illness or any other relevant factors that may prevent him or her from performing an arbitrator's usual functions and duties, that party shall nominate another arbitrator within 5 days of receipt of

(8) Where a party nominates an arbitrator who resides outside Beijing, that party shall bear the necessary travel and accommodation expenses incurred by that arbitrator for hearing the case. If that party has not deposited the advance on such expenses within the period specified by the BAC, it shall be deemed not to have nominated that arbitrator. In this event, the Chairperson may appoint another arbitrator for that party in accordance with this Article. (9) Where an arbitrator declines to accept a party's nomination or is unable to participate in the arbitration, due to illness or any other relevant factors that may prevent him or her from performing an arbitrator's usual functions and duties. that party shall nominate another arbitrator within 5 days of receipt of notice of re-nomination (the

"Notice of

re-nomination (the "Notice of Re-nomination"). If that party fails to nominate another arbitrator within the time limit, the arbitrator shall be appointed by the Chairperson. Article 25: Mode of Proceeding (1) The Arbitral Tribunal shall hold an oral hearing. (2) If the parties agree on a documents-only arbitration, or if the Arbitral Tribunal considers an oral hearing unnecessary and the parties so agree, the Arbitral Tribunal may decide the arbitration on the basis of the documents submitted by the parties. (3) Regardless of the mode of proceeding adopted, the Arbitral Tribunal shall treat the parties fairly and impartially and give each party a reasonable opportunity to make

notice of

Re-nomination"). If that party fails to nominate another arbitrator within the time limit, the arbitrator shall be appointed by the Chairperson.

Article 25: Mode of

shall hold an oral

a virtual hearing.

(2) "Virtual hearing"

or all parties to an

using teleconference,

communication

technology (or a

combination thereof).

shall have the right to

hearing in accordance

circumstances of the

(4) If the parties agree to

with the specific

case.

hearing. The mode of

Proceeding

(1) The Arbitral Tribunal such a hearing includes an in-person hearing and means that one, multiple arbitration participate in the arbitration hearing by videoconference or other (3) The Arbitral Tribunal determine the mode of

Paragraph (1) now adds that the mode of oral hearing includes a virtual hearing. A new Paragraph (2) is added to define "virtual hearing". A new Paragraph (3) is added to make clear that the Arbitral Tribunal has the right to determine whether an oral hearing should take the form of an in-person hearing or a virtual hearing in accordance with the specific circumstances of the case. The numbers of the original Paragraph (2) and Paragraph (3) are amended consequentially.

The Arbitration Rules 2022 make clear that the mode of oral hearing includes a virtual hearing as well as in-person hearing, and set out a broader definition of "virtual hearing." They also make clear that the Arbitral Tribunal has the right to decide the mode of oral hearing in accordance with the circumstances of the case.

submissions and	a documents-only		
arguments.	arbitration, or if the		
	Arbitral Tribunal		
	considers an oral hearing		
	unnecessary and the		
	parties so agree, the		
	Arbitral Tribunal may		
	decide the arbitration on		
	the basis of the		
	documents submitted by		
	the parties.		
	(5) Regardless of the		
	mode of proceeding		
	adopted, the Arbitral		
	Tribunal shall treat the		
	parties fairly and		
	impartially and give		
	each party a reasonable		
	opportunity to make		
	submissions and		
	arguments.		
Article 41: Record of	Article 41: Record of	After Paragraph (4), the	If a hearing is held
Hearing	Hearing	following sentence is	virtually, the parties cannot
(1) The Arbitral	(1) The Arbitral	added: "If the hearing is	sign and confirm the
Tribunal shall make a	Tribunal shall make a	held virtually, the written	written record on the spot
written record of the	written record of the	record shall be confirmed in	like an in-person hearing,
hearing, except in the	hearing, except in the	the manner determined by	so it is necessary for the
case of mediation	case of mediation	the Arbitral Tribunal."	Arbitration Rules 2022 to
proceedings.	proceedings.		make clear that where a
(2) The Arbitral	(2) The Arbitral		virtual hearing is held, the
Tribunal may make	Tribunal may make an		content of the written
an audio or video	audio or video record		record shall be confirmed
record of the hearing.	of the hearing.		in the manner determined
(3) A party or any	(3) A party or any		by the Arbitral Tribunal.
other participant in	other participant in the		The specific manner of
the arbitration may	arbitration may request		confirmation can be
request the	the rectification of any		determined by the Arbitral

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rectification of any	omission or error in the		Tribunal in accordance
omission or error in	written record of their		with the specific
the written record of	oral statement. The		circumstances of the case
their oral statement.	request shall be		and the views of the
The request shall be	recorded if the Arbitral		parties, thus increasing the
recorded if the	Tribunal does not		flexibility and applicability
Arbitral Tribunal	allow the rectification.		of the rules.
does not allow the	(4) The Arbitral		
rectification.	Tribunal, the person who		
(4) The Arbitral	makes the recording, the		
Tribunal, person who	parties and other		
makes the recording,	participants in the		
the parties and other	arbitration shall sign or		
participants in the	affix their seals on the		
arbitration shall sign	written record. If the		
or affix their seals on	hearing is held virtually,		
the written record.	the written record shall		
(5) Upon a joint	be confirmed in the		
request by both	manner determined by		
parties, or a request	the Arbitral Tribunal.		
by one party that has	(5) Upon a joint request		
been approved by the	by both parties, or a		
BAC, the BAC may	request by one party that		
appoint one or more	has been approved by the		
stenographers to	BAC, the BAC may		
record the hearing.	appoint one or more		
The resulting	stenographers to record		
additional costs shall	the hearing. The resulting		
be borne by the	additional costs shall be		
parties or the	borne by the parties or		
requesting party, as	the requesting party, as		
the case may be.	the case may be.		
Article 64:	Article 64:	The provision that the party	The Arbitration Rules 2022
Composition of the	Composition of the	nominated arbitrators or	make clear that, in
Arbitral Tribunal	Arbitral Tribunal	BAC appointed arbitrators	international commercial
(1) Arbitrators may	(1) Arbitrators may be	jointly nominate the	arbitration proceedings, the
be selected by the	selected by the parties	presiding arbitrator is added	Chairperson may, in the

parties from the Panel from the Panel of to Paragraph (3). light of the circumstances Arbitrators maintained of the case, decide that the of Arbitrators maintained by the by the BAC or from presiding arbitrator shall be BAC or from amongst arbitrators jointly nominated by party nominated arbitrators or amongst arbitrators who are not on the who are not on the Panel of Arbitrators. BAC appointed arbitrators. Panel of Arbitrators. (2) Parties who wish to (2) Parties who wish select arbitrators who to select arbitrators are not on the Panel of Arbitrators shall submit who are not on the Panel of Arbitrators their candidates' shall submit their resumes and contact candidates' resumes details to the BAC. A and contact details to candidate selected from the BAC. A amongst arbitrators candidate selected who are not on the from amongst Panel of Arbitrators arbitrators who are may act as an arbitrator not on the Panel of with the approval of the BAC. Arbitrators may act as an arbitrator with (3) Within 20 days of the approval of the receipt of the Notice of BAC. Arbitration, the parties (3) Within 20 days of shall, pursuant to the receipt of the Notice provisions of Article 20, of Arbitration, the nominate or request the parties shall, pursuant Chairperson to appoint to the provisions of their arbitrators. If no Article 20, nominate nomination or request has been made within the or request the above-mentioned time Chairperson to limit, the arbitrator shall appoint their be appointed by the arbitrators and jointly nominate or jointly Chairperson. request the (4) The parties shall Chairperson to jointly nominate or appoint the presiding jointly request the

arbitrator. If the parties fail to nominate or request the Chairperson to appoint their arbitrators or the presiding arbitrator in accordance with those provisions, the arbitrators or the presiding arbitrator shall be appointed by the Chairperson. (4) Where a party agrees to an increased fee for a foreign arbitrator, that party shall deposit a corresponding advance on costs within the period specified by the BAC. If a party fails to deposit such advance on costs within the period specified, it shall be deemed not to have nominated the arbitrator. The Chairperson may then appoint an arbitrator for that party in accordance with the Rules. (5) Where Article 54 applies, the Arbitral

Chairperson to appoint the presiding arbitrator. If both parties fail to nominate jointly the presiding arbitrator, the Chairperson of the BAC may, in the light of the circumstances of the case, decide that the presiding arbitrator shall be jointly nominated by the arbitrators appointed in accordance with Article 64(3). The two arbitrators shall jointly nominate the presiding arbitrator within 15 days from the date of receipt of the notice from the BAC. If the presiding arbitrator is not nominated in accordance with the above provisions, it shall be appointed by the Chairperson. (5) Where a party agrees to an increased fee for a foreign arbitrator, that party shall deposit a corresponding advance on costs within the period specified by the BAC. If a party fails to

deposit such advance

Tribunal shall be	on costs within the		
constituted in	period specified, it		
accordance with Article	shall be deemed not to		
55 of the Rules.	have nominated the		
	arbitrator. The		
	Chairperson may then		
	appoint an arbitrator		
	for that party in		
	accordance with the		
	Rules.		
	(6) Where Article 54		
	applies, the Arbitral		
	Tribunal shall be		
	constituted in accordance		
	with Article 55 of the		
	Rules.		
Article 65: Defense and	Article 65: Defense and	A paragraph is added as	The Arbitration Rules 2022
Counterclaim	Counterclaim	Paragraph (2) to make clear	make clear that, in an
Within 45 days (or 30	(1) Within 45 days (or 30	that where the parties	international arbitration
days where Article 54	days where Article 54	change the arbitration claim	case, where the parties
applies) of receipt of	applies) of receipt of the	or counterclaim, the time	amend the claim or
the Request for	Request for Submission	limit for submitting the	counterclaim after the
Submission of Defense,	of Defense, the	defense shall be determined	composition of the Arbitral
the Respondent shall	Respondent shall submit	by the Arbitral Tribunal in	Tribunal, the Arbitral
submit to the BAC its	to the BAC its Statement	the light of the	Tribunal shall determine
Statement of Defense,	of Defense, together with	circumstances.	the time limit for
together with any	any relevant supporting		submitting the defense in
relevant supporting	documents. The		accordance with the
documents. The	Respondent shall also		specific circumstances of
Respondent shall also	submit in writing the		the case. The defense
submit in writing the	Application for		submission period for
Application for	Counterclaim, if any,		international arbitration
Counterclaim, if any,	within the time limit.		cases is 45 days, which is
within the time limit.	(2) If the parties amend		relatively long. The
	Claim or Counterclaim,		specific circumstances in
	the time limit for the		which the parties may
	defense shall be		change a claim or

determined in accordance with Article 65(1) before the composition of the Arbitral Tribunal; the Arbitral Tribunal shall determine the time limit for the defense in accordance with the specific circumstances of the case after its composition.

counterclaim are different, while some amendments will not involve significant claim adjustments or changes in the basic legal relationship. In such a case, the Arbitral Tribunal shall determine the time limit for submitting a defense in accordance with the specific circumstances of the case, which will help to improve the efficiency of the proceedings.

Article 71: Service (1) Arbitral documents. notices and other materials may be served on the parties or their authorized representatives in person or by mail, courier, facsimile, email, or any other means that the BAC or the Arbitral Tribunal, as the case may be, considers appropriate. (2) Arbitral documents, notices and materials shall be deemed to have been served if they have been delivered to the parties or their authorized representatives in

person or by mail to the

Article 71: Service (1) Arbitral documents, notices and other materials may be served on the parties or their authorized representatives in person or by mail, courier, facsimile, email, or other electronic means. The BAC or the Arbitral Tribunal has the right to decide the appropriate mode of service in accordance with the specific circumstances of the case.

(2) Arbitral documents, notices and materials shall be deemed to have been properly served if

- (1) Paragraph (1) makes clear that, in addition to email, other electronic means may be adopted for service.
- (2) Paragraph (2) adds criteria for proper electronic service.
- (3) Paragraph (3) provides that in cases where service shall be deemed to have been properly effected if the document is delivered to the last known address of the party in accordance with Article 71(3), the BAC or the Arbitral Tribunal has the right to determine the time of service.
- (4) A new Paragraph (4) provides if the parties agree to serve each other directly and a dispute arises as to

The Arbitration Rules 2022 make clear that case materials can be served by electronic means, and provide criteria to determine the time of service in electronic service cases. In addition, the Arbitration Rules 2022 clearly stipulate that where service shall be deemed to have been properly effected if the document is delivered to the last known address of the party in accordance with Article 71(3), or, where there is a dispute over the time of service in the case of direct service agreed by the parties, the time of service shall be determined by the BAC or

addressee's place of business, place of registration, place of residence, address indicated on ID card, Hukou address, address for service agreed by the parties or any other correspondence address provided by the addressee or the counterparty. (3) If, despite reasonable inquiries, the addressee's place of business, place of registration, place of residence, address indicated on ID card, Hukou address, address for service agreed by the parties, or other correspondence address cannot be found, service shall be deemed to have been effected if the document, notice or material is delivered to the addressee's last known place of business, place of registration, place of residence, address indicated on ID card, Hukou address, address for service agreed by the parties or other

they have been delivered to the parties or their authorized representatives in person or by mail to the addressee's place of business, place of registration, place of residence, address indicated on ID card, Hukou address, address for service agreed by the parties or any other correspondence address provided by the addressee or the counterparty. If service is carried out by electronic means and the electronic transmission record can show the completion of sending, it shall be deemed to have been served. (3) If, despite reasonable inquiries, the addressee's place of business, place of registration, place of residence, address indicated on ID card,

Hukou address, address

correspondence address

service shall be deemed

for service agreed by

the parties, or other

cannot be found,

the time of service, this matter shall be determined by the BAC or the Arbitral Tribunal. the Arbitral Tribunal.

1	4-111		
correspondence	to have been properly		
address, whether by	effected if the		
mail, courier or by any	document, notice or		
other means of delivery	material is delivered to		
which allows for a	the addressee's last		
record of delivery.	known place of		
	business, place of		
	registration, place of		
	residence, address		
	indicated on ID card,		
	Hukou address, address		
	for service agreed by		
	the parties or other		
	correspondence		
	address, whether by		
	mail, courier or by any		
	other means of delivery		
	which allows for a		
	record of delivery. The		
	time of service shall be		
	determined by the BAC		
	or the Arbitral Tribunal		
	(4) If the parties agree		
	to serve each other		
	directly, where there is		
	a dispute over the time		
	of service, the time of		
	service shall be		
	determined by the BAC		
	or the Arbitral		
	Tribunal.		
Annex I: Beijing	Annex I: Beijing	The sum in dispute to	In order to reduce further
Arbitration	Arbitration	capping of the	the arbitration fee of the
Commission Schedule	Commission/Beijing	administration fee is	parties and help parties
of Arbitration Fees:	International Arbitration	adjusted from over RMB	reasonably control the cost
Where the sum in	Center Schedule of	5,000,000,000 (including	of dispute resolution, the
dispute is RMB	Arbitration Fees: Where	RMB 5,000,000,000) to	Arbitration Rules 2022

5,000,000,000
(including RMB
5,000,000,000), the
administration fee shall
be capped at RMB
8,761,000.

the sum in dispute is over RMB 3,964,000,000 (including RMB 3,964,000,000), the administration fee shall be capped at RMB 7,000,000.

over RMB 3,964,000,000 (including RMB 3,964,000,000), and the capped administration fee is adjusted from RMB 8,761,000 to RMB 7,000,000.

further lower the capped administration fee and adjusts it to RMB 7,000,000. In cases where the sum in dispute exceeds RMB 3,964,000,000, the administration fee will not be increased.