

# **Rules Governing the Composition and Procedure of the CAA Court of Arbitration**

Adopted by resolution of the ninth meeting of the seventeenth Board on October 13, 2021  
Amendment to Article 4 by resolution of the twelfth meeting of the seventeenth Standing  
Directors on February 14, 2022

## **Article 1 (Legal Basis)**

The Rules Governing the Composition and Procedure of the CAA Court of Arbitration (“the Rules”) are established pursuant to Article 25 of the Articles of the Chinese Arbitration Association, Taipei.

## **Article 2 (Objectives)**

To safeguard the autonomy of arbitral institution and promote legitimacy and efficiency of arbitral proceedings, the Chinese Arbitration Association, Taipei (“CAA”), hereby establishes the Chinese Arbitration Association Court of Arbitration (“CAA Court”).

## **Article 3 (Nature and Composition)**

The CAA Court is an independent organ endowed with specific responsibilities for CAA-administered cases. It consists of twenty-one to thirty members, including one President and three to five Vice Presidents, nominated by the CAA Chairman of the Board (“CAA Chairman”) from distinguished arbitration practitioners and appointed upon the approval of the CAA Board of Directors (“the Board”). The same procedure applies in case of any vacancy. The CAA Chairman and staff of the CAA Secretariat shall not be appointed as members of the CAA Court of Arbitration.

The members of the CAA Court of Arbitration do not receive honorarium and the term of office of each member is four years. Immediate renewal of office is admissible only once. A member appointed to fill vacancy shall hold office for the remainder of the term.

#### **Article 4 (Responsibilities)**

Responsibilities of the CAA Court of Arbitration are as follows:

1. To review applications for arbitrator registration, eligibility for arbitrator training, and recommendations for presiding arbitrators in construction arbitrations;
2. To make preliminary decisions on procedural matters before the constitution of the arbitral tribunal, including the CAA's competence to administer the arbitration, the applicable arbitration rules, the number of arbitrators, the language and seat of arbitration;
3. To appoint arbitrators;
4. To decide on challenges to arbitrators;
5. To determine the amount in dispute or arbitration fees;
6. To determine disputes over arbitrator's fees;
7. To provide advice on scrutiny of draft awards upon the request from the CAA Secretariat;
8. To issue authoritative interpretations of the CAA Arbitration Rules;
9. To determine complaints concerning contravention of the CAA Code of Ethics by arbitrators;
10. To propose modifications to the CAA Arbitration Rules relating to the CAA Court's responsibilities as specified in this Article.

The CAA Court may establish its functional panels and confer on each panel the power to review and decide matters stipulated in the preceding Paragraph.

The CAA Secretariat shall provide necessary administrative, professional and financial support required by the CAA Court in its execution of matters stipulated in Paragraph 1.

#### **Article 5 (Duties)**

The CAA Court of Arbitration shall not appoint its members to serve as arbitrators in CAA-administered cases.

Members of the CAA Court shall recuse from any deliberations of the Court if they consider such recusal appropriate.

Members of the CAA Court of Arbitration shall keep confidential any information acquired during their participation in the CAA Court.

### **Article 6 (Meetings)**

As a general rule, the CAA Court of Arbitration meets once a month. If necessary, *ad hoc* meetings may be called.

Meetings of the CAA Court of Arbitration shall be chaired by the President. If the President is unable to chair, a Vice President designated by the President shall act as chair. If neither the President nor Vice Presidents are able to chair, another member of the Court designated by the President shall act as chair.

The quorum for each meeting is seven members. The adoption of any resolutions shall be made by a majority of more than half of the attending members. In the event of unequal votes, the chair of the meeting shall decide.

For matters concerning challenge to arbitrators, ethical contravention by arbitrators, amount in dispute or arbitration fees, the chair may designate one to three members to conduct and report their preliminary findings at the meeting.

In addition to meeting in-person, the CAA Court of Arbitration may convene via e-mail, virtual conference or any other platform for such communications.

### **Article 7 (Principles for Decision-making)**

When deciding matters specified in Subparagraphs 2, 4, 5, 6, 9, Paragraph 1 of Article 4, the CAA Court of Arbitration shall give the party(ies) or arbitrator(s) an opportunity to comment and respond.

The CAA Court shall state the reasons for its decision on matters specified in the preceding Paragraph, as well as its rejection pursuant to Subparagraph 1, Paragraph 1 of Article 4

### **Article 8 (External Communications)**

External communications of the CAA Court of Arbitration shall be made in the name of the CAA.

### **Article 9 (Entry into Force)**

The Rules shall enter into force upon adoption by the Board. The same shall apply to future amendments.