

The SIMC-SCIA Med-Arb Protocol

The Singapore International Mediation Centre (“**SIMC**”) and the Shenzhen Court of International Arbitration (“**SCIA**”) launched the SIMC-SCIA Med-Arb Protocol (“**MA Protocol**”) on 25 November 2022.

By opting for the MA Protocol, not only do parties gain access to a more efficient dispute resolution process, but they also benefit from significant cost savings, allowing them to allocate their time and other resources saved to meet their core business objectives.

Owing to the strong interest received, we wish to highlight the distinctive combination of an efficient procedure and the cost-saving benefit inherent in the MA Protocol.

A. Where the dispute is submitted at the first instance to SCIA.

Efficient Process: Streamlined procedures ensure a quick and simple way to activate the MA Protocol.

Step 1. Parties submit the following documents to SCIA:

- a. SCIA Arbitration Application Form
- b. SIMC Mediation Request Form
- c. Arbitration Agreement/Clause
- d. Copy of Company / Business Registration documents.
- e. SCIA Authorization Form (if applicable)

Step 2. Within 2 business day from the receipt of the complete set of the above documents, the Case manager of SCIA will forward to SIMC, the Mediation Request Form. SCIA will simultaneously file the notice of arbitration and Notice on Suspension of Arbitration Proceedings. Upon receipt of the Mediation Request Form (the “**Mediation Commencement Date**”), SIMC will commence mediation proceedings pursuant to the SIMC Mediation Rules. All subsequent steps in the arbitration shall be stayed pending the outcome of mediation at SIMC.

Step 3. The mediation conducted under the auspices of SIMC shall be completed within 8 weeks from the Mediation Commencement Date, unless the Case manager of SCIA in consultation with SIMC extends the time.

Step 4. At the termination of the 8-week period (unless the deadline is extended by the Case manager of SCIA) or in the event the dispute cannot be settled by mediation either partially or entirely at any time prior to the expiration of the 8-week period, SIMC shall promptly inform the Case manager of SCIA of the outcome of the mediation.

Step 5. In the event that the dispute has not been settled entirely by mediation, the arbitration shall resume in respect of the dispute or remaining part of the dispute (as the case may be) in accordance with the Arbitration Rules of SCIA.

Step 6. In the event of a settlement of the dispute by mediation between the parties, SIMC shall inform the Case manager of SCIA that a settlement has been reached. Any party to the mediation may, with the express consent of all the other parties to the mediation, submit the settlement agreement resulting from the mediation to the Case manager of SCIA, for the SCIA to record and issue it as a consent arbitral award pursuant to the Arbitration Rules of SCIA.

Cost Savings: If parties reach a settlement through mediation, they will save 50% of the SCIA arbitration fee that would have been payable had the dispute proceeded to arbitration.

1. Where the parties have agreed to submit their dispute for resolution under the MA protocol, a non-refundable arbitration fee shall be payable to SCIA upon the filing of the notice of arbitration. This will be 33% of the SCIA arbitration fee pursuant to the Arbitration Rules of SCIA.
2. Upon receipt of the Mediation Request Form, SIMC will work with the parties to finalize the number of mediation days required, the date(s) of the mediation, the mode of mediation, the mediator to be appointed and all other parameters of the mediation, after which SIMC will inform the parties of the mediation fee payable. Parties are not obligated to proceed with the mediation if they do not agree with the mediation fee. If the parties accept the mediation fee, the parties will then sign the SIMC Agreement to Mediate. Following the signing of the Agreement to Mediate, the mediation fee is to be fully paid before the mediation can take place.
3. In the event that the dispute has not been entirely settled by mediation, the rest of the arbitration fee will be payable to SCIA upon the resumption of the arbitration proceedings for the whole or the remaining part of the dispute.
4. In the event that the mediation results in a settlement of the dispute between the parties, the parties need only pay to SCIA, an additional 17% of the SCIA arbitration fee pursuant to the Arbitration Rules of SCIA. Therefore, in total, the parties would only need to pay to SCIA, 50% of the SCIA arbitration fee.

B. Where the dispute is submitted at the first instance to SIMC.

Where parties have commenced mediation proceedings directly with SIMC, any party to a settlement agreement resulting from the mediation may, with the express consent of all the other parties to the mediation, apply to SCIA under this MA Protocol, to have SCIA record and issue the settlement agreement as a consent arbitral award of the SCIA. Where such an application is made to SCIA, a non-refundable fee shall be payable to SCIA, which will be charged on a sliding scale according to the amount in dispute in the case, e.g. 50% of the arbitration fee if the amount in dispute is less than ¥1,000,000, and 45%-50% of the arbitration fee if the amount in dispute is between ¥1,000,000 and ¥5,000,000 (inclusive). See Arbitration Rules of SCIA for details.

Service Commitment

SIMC and SCIA are committed to ensuring an impartial and efficient dispute resolution of the dispute for all parties involved. Please do not hesitate to contact SCIA or SIMC if any further information or assistance is required in relation to the MA Protocol.

SIMC-SCIA Med-Arb 协议

新加坡国际调解中心（下称“SIMC”）与深圳国际仲裁院（下称“SCIA”）于 2022 年 11 月 25 日共同推出了 SIMC-SCIA Med-Arb 协议（下称“MA 协议”）。

通过选择 MA 协议，当事人不仅可以提高争议解决程序的效率，还能大幅节省成本，从而将节省下来的时间和其他资源用于实现其核心业务目标。

由于 MA 协议引起了广泛关注，我们希望突出“Med+Arb”机制的独特优势，即同时确保高效率 and 低成本：

一、如果争议首先提交给 SCIA。

高效程序：相比普通的仲裁流程，MA 协议可以更快启动争议解决程序。

步骤一：当事人将下列材料提交给 SCIA：

- （1）SCIA 仲裁申请书；
- （2）SIMC 调解申请书；
- （3）有效的仲裁协议或仲裁条款；
- （4）公司营业执照或商业注册文件副本；
- （5）授权代理人文件（如有）。

步骤二：自收到上述完整文件后的 2 个工作日内，SCIA 案件管理人将向 SIMC 转递调解申请书，并同时向当事人发出《仲裁通知》和《暂停仲裁程序的通知》。在收到 SCIA 转递的调解申请书（同天视为“调解开始日期”）后，SIMC 将根据 SIMC《调解规则》启动调解程序。在 SCIA 收到 SIMC 的调解结果之前，仲裁的所有后续程序将都应暂停。

步骤三：在 SIMC 的主持下，调解应在调解开始日期起 8 周内完成。若无法在 8 周内完成的，应由 SCIA 案件管理人与 SIMC 协商延长调解时间。

步骤四：在 8 周期限结束（除期限经案件管理人协商后延长外）或到期前的任何时候，若调解未能完全或部分解决争议，SIMC 应立即将调解结果通知 SCIA 案件管理人。

步骤五：如果调解未能完全解决争议，SCIA 将根据 SCIA《仲裁规则》就争议本身或争议的剩余部分（视情况而定）恢复仲裁程序。

步骤六：如果当事人通过调解完全解决争议，SIMC 应立即将双方已达成和解的结果通知 SCIA 案件管理人。调解的任何一方当事人在征得调解的其他各方明确同意的情况下，可将和解协议递交给 SCIA 案件管理人，请求 SCIA 按照其《仲裁规则》推进程序，

组成仲裁庭作出对应的仲裁裁决。

节省成本：相比普通的仲裁流程，MA 协议节省仲裁费用。

1. 如果当事人同意根据 MA 协议解决争议，在收到仲裁通知时应向 SCIA 支付一笔不可退还的仲裁费用，该费用为依照 SCIA《仲裁规则》规定的仲裁费用的 33%。

2. 收到调解申请书后，SIMC 将与当事人协商确定所需的调解天数、调解日期、调解方式、指定的调解员以及与调解相关的其他事项，并通知当事人支付相应的调解费用。若当事人不接受调解费用，SIMC 无义务继续调解。若当事人接受调解费用，双方将进一步签署 SIMC 调解协议。调解协议签署后，双方必须足额支付调解费用，以确保调解工作的顺利进行。

3. 如果调解未能完全解决争议，在就争议本身或争议的剩余部分恢复仲裁程序时，当事人仍需将剩余的仲裁费用支付给 SCIA，以完全解决案件争议。

4. 如果当事人双方通过调解完全解决了争议，那么仅需根据 SCIA《仲裁规则》向 SCIA 补缴原定仲裁费用的 17%，即当事人总共只需支付 50%的仲裁费用给 SCIA。

二、如果争议首先提交给 SIMC。

若当事人直接通过 SIMC 启动调解程序并达成和解协议，调解的任何一方当事人在征得调解的其他各方明确同意的情况下，可将和解协议递交给 SCIA 案件管理人，请求 SCIA 按照其《仲裁规则》将其记录，并作出对应的仲裁裁决。

在向 SCIA 提出制作仲裁裁决的申请时，申请方将支付给 SCIA 一笔不可退还的费用。该费用将根据案件争议金额采用浮动费率来计算。例如，争议金额少于¥1,000,000，则为仲裁费的 50%；争议金额在¥1,000,000 至¥5,000,000（含）之间，则为仲裁费的 45%-50%。详情见 SCIA《仲裁规则》。

服务承诺

SIMC 和 SCIA 致力于为所有当事人提供公正、高效的争议解决方案。如果您需要更多有关 MA 协议的信息或帮助，欢迎随时联系 SCIA 或 SIMC。