

Index

ABANDONED CASES

Assessment of efficacy of system,
9:12

AD HOC ARBITRATION

Practical implications of prohibition,
2:30
Prohibition, 2:29

ADMINISTRATIVE REGULATIONS

Generally, App D

ADMINISTRATIVE SANCTIONS

Assisting units and personnel, sanc-
tion against, 6:28
Enforcement by indirect coercion,
6:26-6:29
Litigants, sanctions against, 6:27
Procedural safeguards, 6:29
Third parties, sanction against, 6:27

ANNULMENT

Prior disposal acts, para-enforcement,
6:38

APPEALS

Absence of right of appeal, 6:4
Domestic awards, 2:24-2:26
Foreign-related awards, 2:24-2:26
Grounds for review, 2:26
Judicial supervision, 1:24
Nonenforcement of award, absence
of right of appeal, 6:4
Prior Reporting System, 2:25
Right of appeal, 1:24, 6:4
Scope and procedure, 2:24

ARBITRABILITY

Grounds for Nonenforcement (this
index)

ARBITRAL TRIBUNAL

Arbitration commissions
arbitrator selection, 2:38
competence-competence doctrine,
2:35, 2:36

ARBITRAL TRIBUNAL—Cont'd

Arbitration commissions—Cont'd
interim measures for protection of
property or evidence, 2:39
predominant position, 2:37
Attorney as arbitrator, 2:38
Competence-competence doctrine,
2:35, 2:36
Interim measures for protection of
property or evidence, 2:39
Selection of arbitrators, 2:38

ARBITRATION AGREEMENT

Applicable law
generally, 2:22
Chinese arbitrations, 8:3
foreign arbitrations, 8:4
Greater China arbitrations, 8:4
grounds for nonenforcement, 8:1
Chinese arbitration agreements
applicable law, Chinese arbitra-
tions, 8:3
formal validity requirements, 8:6
grounds for nonenforcement, 8:3,
8:5-8:8
material validity requirements, 8:8
pathological arbitration clauses,
8:7
validity requirements, 8:5-8:8
Foreign arbitration agreements
applicable law, 8:4
formal validity requirements, 8:9,
8:10
grounds for nonenforcement, 8:4,
8:9, 8:10
Greater China arbitration agreements
applicable law, Greater China
arbitrations, 8:4
formal validity requirements, 8:9,
8:11
grounds for nonenforcement, 8:4,
8:9, 8:11
Grounds for nonenforcement
applicable law, 8:2-8:4

ENFORCEMENT OF COMMERCIAL ARBITRAL AWARDS IN CHINA

ARBITRATION AGREEMENT

—Cont'd

- Grounds for nonenforcement
 - Cont'd
 - Chinese arbitration agreements, above
 - foreign arbitration agreements, above
 - Greater China arbitration agreements, above
 - relevance of ground of invalidity of agreement, **8:12**
 - relevant legal provisions, **8:1**
 - scope of application, **8:1**
 - validity of agreement, **8:1-8:12**
- Supreme People's Court, jurisdiction over validity of arbitration agreement, **2:34**
- Validity of agreement
 - Chinese arbitration agreement requirements, **8:5-8:8**
 - foreign arbitration agreement requirements, **8:9, 8:10**
 - Greater China arbitration agreement requirements, **8:9, 8:11**
 - grounds for nonenforcement, **8:1-8:12**
 - jurisdiction of Supreme People's Court, **2:34**

ARBITRATION LAW 1995

- Article 4, principle of party autonomy, **2:42**
- Article 5, competence-competence principle, **2:32**
- Article 10, foreign arbitration institutions, **2:40, 2:41**
- Article 19, competence-competence principle, **2:33**
- Article 20, competence-competence principle, **2:34**
- Article 66, foreign arbitration institutions, **2:40, 2:41**
- Assessment, revision, **9:25**
- Autonomy of party, Article 4, **2:42**
- Commercial arbitration, generally, **2:4**
- Commissions and associations
 - limited access for foreign institutions, **2:40**
 - restructuring, **2:8**

ARBITRATION LAW 1995—Cont'd

- Competence-competence doctrine
 - Article 5 of Arbitration Law 1995, **2:32**
 - Article 19 of Arbitration Law 1995, **2:33**
 - Article 20 of Arbitration Law 1995, **2:34**
- Domestic awards, enforcement, **3:3**
- Foreign awards, enforcement, **3:20**
- Foreign institutions, limited access, **2:40**
- Foreign-related awards, enforcement, **3:8**
- Historical perspective
 - domestic awards, **3:3**
 - foreign-related awards, **3:8**
- Improving efficacy, revision, **9:25**
- Limited party autonomy, Article 4, **2:42**
- Restructuring commissions and associations, **2:8**
- Revision, improving efficacy, **9:25**
- Severability of arbitration clause, Article 19, **2:33**

ARTICLE 4, ARBITRATION LAW 1995

- Principle of party autonomy, **2:42**

ARTICLE 5, ARBITRATION LAW 1995

- Competence-competence principle, **2:32**

ARTICLE 10, ARBITRATION LAW 1995

- Foreign arbitration institutions, **2:40, 2:41**

ARTICLE 19, ARBITRATION LAW 1995

- Competence-competence principle, **2:33**

ARTICLE 20, ARBITRATION LAW 1995

- Competence-competence principle, **2:34**

ARTICLE 66, ARBITRATION LAW 1995

- Foreign arbitration institutions, **2:40, 2:41**

INDEX

ARTICLE 232 OF CIVIL

PROCEDURE LAW 2008

Suspension of ongoing enforcement
by judiciary, **5:32**

ARTICLE 267 OF CIVIL

PROCEDURE LAW 2008

Current legal framework for enforce-
ment, **3:21**

ARTICLE 304 OF SPC CIVIL

PROCEDURE LAW OPINIONS 1992

Foreign-related awards, **2:15**

ASSESSMENT

Abandoned cases, **9:12**

Absolute versus relative efficacy, **9:4**

Arbitration Law 1995, state of revi-
sion, **9:25**

Compliance with enforcement, **9:14**

Corporate Counsel International
Arbitration Group (CCIAG), **9:2**

Defining efficacy

absolute versus relative efficacy,
9:4

comprehensive approach, **9:5**

expectation of parties, **9:2**

justice, standard of, **9:3**

paradox of traditional approach,
9:1

parties, **9:2**

satisfaction of parties, **9:2**

standard of justice, **9:3**

traditional approach, **9:1**

Efficacy of system and role of

enforcement issues, **9:1-9:25**

Enforcement proceedings, **9:12-9:15**

Expectations of parties, **9:2**

Final award reached, **9:9, 9:10**

Identifiable trends in efficacy, **9:18**

Improper reason to set aside case,
9:11

Improper reason to stop arbitration,
9:8

Improving efficacy

Arbitration Law 1995 state of revi-
sion, **9:25**

institutional reforms, **9:24**

interaction with broader legal
framework, **9:20**

ASSESSMENT—Cont'd

Improving efficacy—Cont'd

legislative amendments, **9:23**

recommendations, **9:21-9:24**

transparency, **9:22**

Indicators and available data for
measuring efficacy, **9:6-9:16**

Initiation of case, **9:7, 9:8**

Institutional reforms, **9:24**

Interaction of enforcement

framework with broader legal
framework, **9:20**

Justice, standard of, **9:3**

Lack of arbitral jurisdiction vs
improper reason to stop arbitra-
tion, **9:8**

Legislative amendments, **9:23**

Measuring efficacy

abandoned cases, **9:12**

arbitration in general, identifiable
trends in efficacy, **9:19**

cases initiated, **9:7, 9:8**

cases resulting in final award, **9:9,**
9:10

cases set aside, grounds and
reasons, **9:11**

compliance with enforcement,
9:14

enforcement, identifiable trends in
efficacy, **9:18**

enforcement proceedings, **9:12-**
9:15

identifiable trends, **9:17-9:19**

improper reason to set aside case,
9:11

improper reason to stop arbitration,
9:8

indicators and available data, gen-
erally, **9:6-9:16**

lack of arbitral jurisdiction vs
improper reason to stop
arbitration, **9:8**

number of arbitrations initiated
within specific time period,
9:7

postenforcement settlements, **9:14**

recovery of assets percentage, **9:15**

satisfactory resolution of arbitra-
tion case, **9:9**

ENFORCEMENT OF COMMERCIAL ARBITRAL AWARDS IN CHINA

ASSESSMENT—Cont'd

- Measuring efficacy—Cont'd
 - satisfactory resolution prior to final award, **9:9**
 - summary, **9:16**
 - trends, **9:17-9:19**
- Number of arbitrations initiated within specific time period, **9:7**
- Paradox of traditional efficacy approach, **9:1**
- Parties, **9:2**
- Postenforcement settlements, **9:14**
- Recommendations for improving efficacy, **9:21-9:24**
- Recovery of assets, percentage, **9:15**
- Satisfaction of parties, **9:2**
- Satisfactory resolution, **9:9**
- Setting aside case, grounds and reasons, **9:11**
- Standard of justice, **9:3**
- Traditional approach to efficacy, **9:1**
- Transparency, **9:22**

ASSETS

- Enforcement against, **6:14**
- Measuring efficacy, percentages of recovery, **9:15**
- Transfer, **6:21**

ASSISTING UNITS AND PERSONNEL

- Enforcement by indirect coercion, **6:28**

ATTORNEYS

- Functioning of judiciary, **1:13**
- Representation issues, need for Chinese lawyer, **5:15**
- Selection of arbitrator, **2:38**

AUCTION

- Direct coercion, enforcement by, **6:19**

AUTONOMY OF PARTY

- Article 4 of Arbitration Law 1995, **2:42**
- Limits, **2:43**

AWARDS

- Amount of costs, **5:13**
- Arbitration agreement, law applicable, **2:22**

AWARDS—Cont'd

- Arbitration commissions, **2:17**
- Arbitration Law 1995
 - domestic awards, enforcement, **3:3**
 - foreign awards, enforcement, **3:20**
- Article 304 of SPC Civil Procedure Law Opinions 1992, foreign-related awards, **2:15**
- Attorney, need for Chinese lawyer, **5:15**
- Bilateral Investment Treaties (BITs)** (this index)
 - Calculation of time limits, **5:12**
 - Chinese lawyer needed, **5:15**
 - Choice of applicable law, **2:19-2:23**
 - Civil Procedure Law 1982, enforcement of foreign awards, **3:19, 3:20**
 - Civil Procedure Law 1982 (Trial Implementation), enforcement of foreign-related awards, **3:6**
 - Civil Procedure Law 1992, enforcement of foreign-related awards, **3:7**
 - Civil Procedure Law Opinions 1992, foreign-related awards, **2:15**
- Costs
 - amount, **5:13**
 - payment, **5:14**
- Current legal framework for enforcement. Legal framework for enforcement, below
- Domestic Awards** (this index)
- Enforcement
 - arbitral award, concept of, **4:6-4:15**
- Bilateral Investment Treaties (BITs)** (this index)
 - concept of enforcement, **4:1-4:5**
 - domestic awards, historical background, **3:1-3:4**
 - enforceability, concept of, **4:16-4:22**
 - entrustment to another court, **5:29, 5:30**
 - foreign awards, **3:18-3:28**
 - foreign-related awards, historical background, **3:5-3:9**
 - Greater China awards, **3:12-3:17**

INDEX

AWARDS—Cont'd

- Enforcement—Cont'd
 - investment disputes, enforcement of arbitral awards over, **3:29-3:43**
 - legal framework for enforcement, below
 - Nonenforcement of Award** (this index)
 - organs of enforcement, **5:1-5:3**
 - parties, **5:4-5:8**
 - procedural requirements, **5:1-5:17**
 - request for enforcement, **5:9, 5:10**
 - Washington Convention 1985, below
- Foreign Awards** (this index)
- Foreign-Related Awards** (this index)
- Forum selection, **2:18**
- Greater China awards
 - generally. **Greater China Awards** (this index)
 - Hong Kong Awards** (this index)
 - Macao Awards** (this index)
 - Taiwan Awards** (this index)
- Historical background
 - bilateral investment treaties (BITs) of China, **3:38**
 - domestic awards enforcement, **3:1-3:4**
 - foreign awards enforcement, **3:18-3:20**
 - foreign-related awards enforcement, **3:5-3:9**
 - Greater China awards enforcement, **3:12, 3:14, 3:16**
 - Hong Kong awards enforcement, **3:12**
 - Macao awards enforcement, **3:14**
 - Taiwan awards enforcement, **3:16**
- Hong Kong Awards** (this index)
- ICSID, enforcement of arbitral awards over investment disputes, **3:29-3:43**
- International standards
 - compatibility of Chinese law, **5:17**
 - lack of uniformity, **5:16**
 - limited availability, **5:16**
- Judicial review, **2:24**

AWARDS—Cont'd

- Legal framework for enforcement
 - Article 267 of Civil Procedure Law 2008, **3:21**
 - commercial reservation, **3:24**
 - domestic and foreign-related awards, **3:10, 3:11**
 - foreign awards, **3:18-3:28**
 - Greater China awards, **3:12-3:17**
 - Hong Kong awards, **3:12, 3:13**
 - Macao awards, **3:14, 3:15**
 - Mainland-Hong Kong Arrangement 2000, **3:13**
 - Mainland-Macao Arrangement 2008, **3:15**
 - MATS with New York Convention states, **3:27**
 - MATS with states nonsignatory to New York Convention 1958, **3:26**
 - Mutual assistance treaties (MATs), **3:25-3:27**
 - New York Convention 1958, **3:22-3:27**
 - reciprocity, **3:23, 3:28**
 - regulations, **3:11**
 - reservation, New York Convention 1958, **3:23, 3:24**
 - SPC Provisions 1998, Taiwan awards, **3:17**
 - Taiwan awards, **3:16, 3:17**
- Lex arbitri, **2:21**
- Macao Awards** (this index)
- Modern legal enforcement. Legal framework for enforcement, above
- Necessity of Chinese lawyer, **5:15**
- New two-year time limit, **5:11**
- New York Convention 1958
 - bilateral investment treaties (BITs), **3:40-3:42**
 - commercial reservation, **3:24**
 - current legal framework for enforcement, **3:22-3:27**
 - foreign awards, grounds for nonenforcement, **7:28-7:30**
 - foreign-related awards, grounds for nonenforcement, **7:36**
 - Greater China awards, grounds for nonenforcement, **7:37**

ENFORCEMENT OF COMMERCIAL ARBITRAL AWARDS IN CHINA

AWARDS—Cont'd

- New York Convention 1958—Cont'd
 - MATS with New York Convention states, **3:27**
 - MATS with states nonsignatory to New York Convention 1958, **3:26**
 - reciprocity reservation, **3:23**
 - Washington Convention 1965, **3:31-3:33, 3:35-3:37**
- Nonenforcement of Award** (this index)
- Procedural rules, **2:23**
- Representation issues, **5:15**
- Revised Civil Procedure Law 2008
 - domestic awards, enforcement, **3:4**
 - foreign-related awards, enforcement, **3:9**
- SPC Civil Procedure Law Opinions 1992, foreign-related awards, **2:15**
- Substantive law, **2:20**
- Taiwan Awards** (this index)
- Time limits
 - calculation, **5:12**
 - two-year limit, **5:11**
- Time of payment of costs, **5:14**
- Two-year time limit, **5:11**
- Washington Convention 1965
 - case law, **3:33, 3:37**
 - enforcement of arbitral awards over investment disputes, **3:29-3:37**
 - enforcement of ICSID awards, **3:34, 3:36**
 - jurisdiction of ICSID, New York Convention 1958, **3:31**
 - “limited” accession by China, New York Convention 1958, **3:32**
 - limited scope of ICSID, **3:30**
 - New York Convention 1958, **3:31-3:33, 3:35-3:37**
 - review of arbitral awards, **3:29**
 - SAIPEM case 2007, **3:33**
- Written request for enforcement, **5:10**

BACKGROUND OR HISTORY

- Arbitration Law 1995
 - domestic awards, **3:3**
 - foreign-related awards, **3:8**

BACKGROUND OR HISTORY

—Cont'd

- Awards** (this index)
 - Before 1982, foreign-related awards, **3:5**
 - Before 1992, domestic awards, **3:1**
 - Between 1992 and 1994, domestic awards, **3:2**
 - Civil Procedure Law 1992, foreign-related awards, **3:7**
 - Civil Procedure Law (Trial Implementation) 1982, foreign-related awards, **3:6**
- Commercial Arbitration** (this index)
 - Domestic awards, **3:1-3:4**
 - Foreign-related awards, **3:5-3:9**
 - Greater China awards, **3:12, 3:14, 3:16**
 - Hong Kong awards, **3:12**
 - Legal system and institutions, **1:1**
 - Macao awards, **3:14**
 - Revised Civil Procedure Law 2008
 - domestic awards, **3:4**
 - foreign-related awards, **3:9**
 - Taiwan awards, **3:16**

BIBLIOGRAPHY

- Works cited, **App P**

BILATERAL INVESTMENT

TREATIES (BITs)

- Generally, **App G**
- Awards
 - comparison, **3:42**
 - consents to submit, comparison, **3:42**
 - disputes falling under BIT, enforcement of awards over, **3:43**
 - enforcement of arbitral awards over investment disputes, **3:38-3:43**
 - first generation, **3:40**
 - historical perspective, **3:38**
 - New York Convention 1958, **3:40-3:42**
 - procedural remedies available, **3:39**
 - second generation, **3:41**

INDEX

BILATERAL TREATIES

- Generally, **App II**
- Bilateral Investment Treaties (BITs)** (this index)
- Mutual assistance treaties, **App H**

CASE REPORTS

- Summaries, **App M**

CASE TABLES

- Generally, **App L**

CHALLENGES

- Judiciary, **1:31**

CHINA ARBITRATION ASSOCIATION

- Generally, **2:9**

CHINESE ARBITRATION AGREEMENTS

- Arbitration Agreement** (this index)

CHINESE AWARDS

- Arbitrability, **8:43**
- Binding character of award, **8:38**
- Conflict with public policy, **8:51**
- Consent award, waiver in connection with, **7:11**
- Definitions and distinctions
 - arbitral award, enforceability, **4:17**
 - enforceability, **4:17**
- Domestic awards, **7:1-7:4**
- Exceeding arbitration scope, **8:24**
- Failure to invoke ground for nonenforcement during arbitration proceeding, **7:13**
- Foreign-related awards, **7:5-7:8**
- Grounds for nonenforcement
 - arbitrability, **8:43**
 - binding character of award, **8:38**
 - consent award, waiver in connection with, **7:11**
 - domestic awards, **7:1-7:4**
 - exceeding arbitration scope, **8:24**
 - failure to invoke ground during arbitration proceeding, **7:13**
 - foreign-related awards, **7:5-7:8**
 - implicit waiver, **7:13**
 - irregularity in arbitration procedure, **8:30**
 - legislative interpretation, **7:14**

CHINESE AWARDS—Cont'd

- Grounds for nonenforcement
 - Cont'd
 - preclusion of right to invoke, **7:9, 7:12**
 - public policy conflict, **8:51**
 - setting aside, preclusion of right to invoke same ground for nonenforcement, **7:12**
 - special cases, **7:10-7:13**
 - waiver, **7:9, 7:11, 7:13**
- Implicit waiver of grounds for nonenforcement, **7:13**
- Irregularity in arbitration procedure, **8:30**
- Legislative interpretation of grounds for nonenforcement, **7:14**
- Preclusion of right to invoke grounds for nonenforcement, **7:9, 7:12**
- Public policy conflict, **8:51**
- Setting aside, preclusion of right to invoke same ground for nonenforcement, **7:12**
- Special cases, **7:10-7:13**
- Waiver of grounds for nonenforcement, **7:9, 7:11, 7:13**

CHINESE CASE LAW

- Case reports, **App M**
- Table of cases, **App L**

CHOICE OF APPLICABLE LAW

- Domestic and foreign-related awards distinguished, **2:19**

CIVIL PROCEDURE LAW

- Judiciary, Civil Procedure Law as basis of jurisdiction, **1:19**

CIVIL PROCEDURE LAW 1982

- Foreign awards, enforcement, **3:19, 3:20**
- Foreign-related awards, enforcement, **3:6**
- Historical perspective, trial implementation, **3:6**

CIVIL PROCEDURE LAW 1992

- Foreign awards, enforcement, **3:20**
- Foreign-related awards, enforcement, **3:7**

ENFORCEMENT OF COMMERCIAL ARBITRAL AWARDS IN CHINA

CIVIL PROCEDURE LAW 2008

- Article 232 of Civil Procedure Law 2008, suspension of ongoing enforcement, **5:32**
- Article 267 of Civil Procedure Law 2008, current legal framework for enforcement, **3:21**
- Revised Civil Procedure Law 2008 domestic awards, enforcement, **3:4** foreign-related awards, enforcement, **3:9**
- Time limits for enforcement, **5:38**

CIVIL PROCEDURE LAW OPINIONS 1992

- Article 304, foreign-related awards, **2:15**
- Foreign-related awards, **2:15**

CIVIL SANCTIONS

- Enforcement by indirect coercion, **6:25**

COERCION, ENFORCEMENT BY

- Additional sanctions against nonenforcement, **6:24-6:35**
- Direct coercion measures for enforcement, **6:13-6:23**
 - protection of status quo applicable time limits, **6:17**
 - assets to be enforced against, **6:14**
 - auction, **6:19**
 - continuing duty to perform award, **6:23**
 - detaining property, **6:13-6:17, 6:19-6:23**
 - freezing property, **6:13-6:17, 6:19-6:23**
 - procedure, **6:16**
 - scope of measures, **6:15**
 - sealing up property, **6:13-6:17, 6:19-6:23**
 - sell off, **6:20**
 - time limits, **6:17**
 - transfer of assets and/or property, **6:21**
 - satisfaction of applicant's claim, **6:17**
- Indirect coercion administrative sanctions, **6:26-6:29**

COERCION, ENFORCEMENT BY —Cont'd

- Indirect coercion—Cont'd assisting units and personnel, sanction against, **6:28** civil sanctions, **6:25** criminal sanctions, **6:30-6:35** litigants, sanction against, **6:27** measures for enforcement, **6:24-6:35** preliminary remarks, **6:24** preventing enforcement of property, crime of, **6:32** procedural safeguards, administrative sanctions, **6:29** refusal to enforce decision, crime of, **6:31** relevance of criminal sanctions in practice, **6:35** third parties, sanction against, **6:27** violently obstructing enforcement, crime of, **6:33**

COMMERCIAL ARBITRATION

- Generally, **2:1-2:14**
- Abolished laws and regulations, **App F**
 - Additional relevant major laws, **2:5**
 - Applicable legal framework, **2:4-2:7**
- Arbitration Law 1995 generally, **2:4** restructuring commissions and associations, **2:8**
- Arbitration rules and other arbitration instruments, **App K**
- Background. Historical background, below
- Commissions and associations China Arbitration Association, **2:9** competence-competence principle, **2:35, 2:36** domestic and foreign-related awards distinguished, **2:17** independence of commissions, **2:12** major arbitration commissions, **2:10** restructuring under Arbitration Law 1995, **2:8** rules of arbitration, **2:11**
- Courts. **Judiciary** (this index)

INDEX

COMMERCIAL ARBITRATION

—Cont'd

- Framework, **2:1-2:14**
- Greater China
 - awards as domestic or foreign-related, **2:27, 2:28**
 - laws and regulations, **2:6**
- Historical background
 - dual track system, **2:2**
 - pre-1950 traditional approach, **2:1**
 - early 1950s to late 1970s, **2:2**
 - late 1970s to mid 1990s, **2:3**
 - traditional approach to dispute resolution, **2:1**
- Hong Kong awards, **2:27, 2:28**
- Institutional Arbitration** (this index)
- International conventions, overview, **2:7**
- Judiciary** (this index)
 - Legal framework, **2:4-2:7**
 - Macao awards, **2:27, 2:28**
 - Other relevant major laws, **2:5**
 - Relevant major laws, **2:4, 2:5**
 - Soft law (tables), **App IV**
 - Supreme People's Court, judicial interpretations, opinions and other regulations, **App B**
 - Taiwan awards, **2:27, 2:28**

COMMISSIONS

- Arbitral tribunal
 - arbitrator selection, **2:38**
 - choice of arbitrators, **2:38**
 - competence-competence doctrine, **2:35, 2:36**
 - interim measures for protection of property or evidence, **2:39**
 - predominant position, **2:37**
- Arbitration Law 1995, restructuring under, **2:8**
- Awards, **2:17**
- Competence-competence doctrine, **2:35, 2:36**
- Domestic awards, **2:17**
- Foreign-related awards, **2:17**
- Independence, **2:12**
- Interim measures for protection of property or evidence, **2:39**

COMMISSIONS—Cont'd

- Limited access for foreign institutions, Arbitration Law 1995, **2:40**
- Major arbitration commissions, **2:10**
- Restructuring under Arbitration Law 1995, **2:8**
- Rules of arbitration, **2:11**

COMPETENCE-COMPETENCE DOCTRINE

- Arbitral tribunal, **2:35, 2:36**

COMPETENCE-COMPETENCE PRINCIPLE

- Article 5 of Arbitration Law 1995, **2:32**
- Article 19 of Arbitration Law 1995, **2:33**
- Article 20 of Arbitration Law 1995, **2:34**

CONCILIATION

- Interaction with arbitration, **2:44-2:47**
- Outside arbitration proceedings, **2:46**
- Popularity, **2:47**
- Within arbitration proceedings, **2:45**

CONGRESS

- Local People's Congress, **1:6**
- National People's Congress (NPC), **1:4**

COSTS

- Amount, **5:13**
- Payment, **5:14**

COUNCIL

- Lawmaking power of State Council, **1:5**

COURT-INTERNAL SUPERVISION

- Judicial supervision, **1:23**

COURTS

- Judiciary** (this index)

CRIMINAL SANCTIONS

- Enforcement by indirect coercion, **6:30-6:35**
- Preventing enforcement of property, crime of, **6:32**

ENFORCEMENT OF COMMERCIAL ARBITRAL AWARDS IN CHINA

CRIMINAL SANCTIONS—Cont'd

- Refusal to enforce decision, crime of, **6:31**
- Relevance of criminal sanctions in practice, **6:35**
- Violently obstructing enforcement, crime of, **6:33**

DEFINITIONS AND DISTINCTIONS

- Arbitral award
 - Chinese awards, enforceability, **4:17**
 - classification of nationality of awards, **4:9**
 - consent awards, **4:12**
 - court's decision on award distinguished, **4:20**
 - default awards, **4:12**
 - definitions, **4:2, 4:6-4:10**
 - enforceable title, **4:16-4:20**
 - essence of award under Chinese law, **4:7**
 - final awards, **4:11**
 - foreign awards, enforceability, **4:18**
 - Greater China awards, enforceability, **4:19**
 - interim awards, **4:11**
 - interim measures of protection distinguished, **4:15**
 - nationality of award, **4:8-4:10**
 - official definition, **4:5**
 - other alternative dispute resolution tools, **4:15**
 - partial awards, **4:11**
 - procedural orders, **4:11**
 - regular awards, **4:12**
 - settlement agreements, **4:14**
 - traditional approach to nationality, **4:9**
- Chinese awards, enforceability, **4:17**
- Consent awards, **4:12**
- Content of award, enforceability claim types, **4:22**
 - operative part, **4:21**
- Court's decision on award distinguished, **4:20**
- Default awards, **4:12**
- Efficacy. **Assessment** (this index)

DEFINITIONS AND

DISTINCTIONS—Cont'd

- Enforceability
 - arbitral award as enforceable title, **4:16-4:20**
 - Chinese awards, **4:17**
 - content of award, **4:21, 4:22**
 - court's decision on award distinguished, **4:20**
 - foreign awards, **4:18**
 - Greater China awards, **4:19**
 - legal framework, **4:16-4:19**
 - Enforcement
 - arbitral awards, **4:2**
 - arbitration agreement enforcement distinguished from arbitral award enforcement, **4:4**
 - definition, **4:1**
 - setting aside of arbitral award distinguished, **4:5**
 - Final awards, **4:11**
 - Foreign awards, enforceability, **4:18**
 - Foreign-related, **2:15, 2:16**
 - Greater China awards, enforceability, **4:19**
 - Interim awards, **4:11**
 - Interim measures of protection distinguished, **4:13**
 - Nationality of award, **4:8-4:10**
 - Other alternative dispute resolution tools distinguished, **4:15**
 - Partial awards, **4:11**
 - Procedural orders, **4:11**
 - Recognition versus enforcement, **4:3**
 - Regular awards, **4:12**
 - Setting aside of arbitral award distinguished, **4:5**
 - Settlement agreements distinguished, **4:14**
 - Types of arbitral awards, **4:11-4:13**
- ### DETAINING PROPERTY
- Direct coercion, enforcement by, **6:13-6:17, 6:19-6:23**
- ### DOMESTIC AWARDS
- Appeals, **2:24-2:26**
 - Applicable legal provisions
 - enforcement, **2:4-2:7, 3:10, 3:11**
 - grounds for nonenforcement, **7:1-7:3**

INDEX

DOMESTIC AWARDS—Cont'd

- Arbitration agreement, law applicable, **2:22**
- Arbitration commissions, **2:17**
- Arbitration Law 1995, enforcement of awards, **3:3**
- Before 1992, enforcement, **3:1**
- Between 1992 and 1994, enforcement, **3:2**
- Choice of applicable law, **2:19-2:23**
- Commissions, **2:17**
- Defendant invoking grounds for nonenforcement, **7:2**
- Due process, lack of, **8:19**
- Enforcement, generally, **3:1-4:22**
- Ex officio examination of grounds by court, **7:3**
- Foreign-related awards
 - compared, **7:35**
 - distinguished, **2:15-2:28**
- Forum selection, **2:18**
- Greater China awards, **2:27, 2:28**
- Grounds for judicial review, **2:26**
- Grounds for nonenforcement
 - generally, **8:54**
 - applicable legal provisions, **7:1-7:3**
 - defendant invoking grounds, **7:2**
 - due process, lack of, **8:19**
 - ex officio examination of grounds by court, **7:3**
 - foreign-related awards compared, **7:35**
 - insufficiency of evidence, **8:55-8:57**
 - misapplication of law, **8:58-8:60**
 - misconduct of arbitrator, **8:61-8:63**
 - relevance of ground of insufficient evidence, **8:57**
 - relevance of ground of misapplication of law, **8:60**
 - relevance of ground of misconduct of arbitrator, **8:63**
 - relevant grounds, **7:1-7:3**
 - scope of application, insufficient evidence, **8:56**
 - scope of application, misapplication of law, **8:59**
 - scope of application, misconduct of arbitrator, **8:62**

DOMESTIC AWARDS—Cont'd

- Grounds for nonenforcement
 - Cont'd
 - setting aside, comparison of grounds for, **7:4**
- Historical background to enforcement, **3:1-3:4**
- Hong Kong awards distinguished, **2:27, 2:28**
- Implications of distinction from foreign-related awards, **2:17-2:26**
- Insufficiency of evidence, grounds for nonenforcement, **8:55-8:57**
- Judicial review, **2:24**
- Lex arbitri, **2:21**
- Macao awards distinguished, **2:27, 2:28**
- Misapplication of law as grounds for nonenforcement, **8:58-8:60**
- Misconduct of arbitrator as grounds for nonenforcement, **8:61-8:63**
- Prior Reporting System, **2:25**
- Procedural rules, **2:23**
- Relevance of grounds for nonenforcement
 - generally, **7:1-7:3**
 - insufficient evidence, **8:57**
 - misapplication of law, **8:60**
 - misconduct of arbitrator, **8:63**
- Revised Civil Procedure Law 2008, enforcement, **3:4**
- Scope and procedure of judicial review, **2:24**
- Setting aside, comparison of grounds for with grounds for nonenforcement, **7:4**
- Substantive law, **2:20**
- Taiwan awards distinguished, **2:27, 2:28**

DUE PROCESS

- Applicable law, lack of due process as grounds for nonenforcement, **8:17-8:20**
- Domestic awards, **8:19**
- Foreign awards, **8:18**
- Foreign-related awards, **8:18**
- Grounds for nonenforcement, generally, **8:17-8:20**
- Hong Kong awards, **8:18**

ENFORCEMENT OF COMMERCIAL ARBITRAL AWARDS IN CHINA

DUE PROCESS—Cont'd

- Lack of due process, generally, **8:17-8:21**
- Macao awards, **8:18**
- Relevance of lack of due process, **8:21**
- Taiwan awards, **8:20**

EFFICACY OF SYSTEM

- Assessment (this index)

ENFORCEMENT PROPER

- Generally, **6:11**

ENTRUSTMENT OF ENFORCEMENT TO ANOTHER COURT

- Concept of entrustment, **5:29**
- Process, **5:30**

EUROPEAN CIVIL LAW MODELS

- Civil law system of China, **1:25**
- Differences, **1:26**

EVIDENCE

- Domestic awards, insufficiency of evidence, grounds for nonenforcement, **8:55-8:57**
- Protection of evidence, interim measures, **2:39**

EX OFFICIO EXAMINATION BY COURT

- Domestic awards, grounds for nonenforcement, **7:3**
- Foreign awards, grounds for nonenforcement, **7:30**
- Foreign-related awards, grounds for nonenforcement, **7:7**
- Hong Kong awards, grounds for nonenforcement, **7:18**
- Macao awards, grounds for nonenforcement, **7:22**

EXPECTATION OF PARTIES

- Defining efficacy, **9:2**

FINAL AWARDS

- Assessment, satisfactory resolution prior to final award, **9:9**
- Definitions and distinctions, **4:11**
- Measuring efficacy in cases resulting in final award, **9:9, 9:10**

FOREIGN AND INTERNATIONAL LAWS

- International conventions and treaties, **App I, App J**
- Tables, **App III**

FOREIGN ARBITRATION AGREEMENTS

- Arbitration Agreement (this index)

FOREIGN ARBITRATION INSTITUTIONS

- Article 10 of Arbitration Law 1995, **2:40, 2:41**
- Article 66 of Arbitration Law 1995, **2:40, 2:41**

FOREIGN AWARDS

- Applicable legal provisions enforcement, **3:18-3:28**
 - grounds for nonenforcement, **7:27**
- Arbitrability, **8:41**
- Arbitration Law 1995, enforcement under, **3:20**
 - Before 1982 enforcement, **3:18**
 - Binding character of award, **8:35**
- Civil Procedure Law 1982, enforcement under, **3:19**
- Civil Procedure Law 1992, enforcement under, **3:20**
- Conflict with public policy, **8:47**
- Current legal framework for enforcement, **3:21-3:28**
- Defendant invoking grounds for nonenforcement, **7:29**
- Definitions and distinctions, enforceability of foreign arbitral award, **4:18**
- Due process, lack of, **8:18**
- Enforceability, definitions and distinctions, **4:18**
- Ex officio examination by court of grounds for nonenforcement, **7:30**
- Exceeding arbitration scope, **8:23**
- Grounds for nonenforcement
 - applicability questions, **7:31, 7:32**
 - applicable legal provisions, **7:27**
 - arbitrability, **8:41**
 - binding character of award, **8:35**
 - defendant invoking grounds, **7:29**

INDEX

FOREIGN AWARDS—Cont'd

- Grounds for nonenforcement
 - Cont'd
 - due process, lack of, **8:18**
 - ex officio examination of grounds by court, **7:30**
 - exceeding arbitration scope, **8:23**
 - implementation laws of China, questions under, **7:32**
 - international instruments, questions under, **7:31**
 - irregularity in arbitration procedure, **8:29**
 - preclusion, **7:31, 7:32**
 - public policy conflict, **8:47**
 - waiver, **7:31, 7:32**
- Historical framework for enforcement, **3:18-3:20**
- Implementation laws of China, grounds for nonenforcement, **7:32**
- International instruments, grounds for nonenforcement, **7:31**
- Irregularity in arbitration procedure, **8:29**
- Legal framework for enforcement, **3:18-3:28**
- New York Convention 1958, grounds for nonenforcement, **7:28-7:30**
- Pre1982 enforcement, **3:18**
- Preclusion, grounds for nonenforcement, **7:31, 7:32**
- Public policy conflict, **8:47**
- Waiver, grounds for nonenforcement, **7:31, 7:32**

FOREIGN-RELATED AWARDS

- Appeals, **2:24-2:26**
- Applicable legal provisions
 - grounds for nonenforcement, **7:5-7:7**
- Arbitration agreement, law applicable, **2:22**
- Arbitration commissions, **2:17**
- Arbitration Law 1995, enforcement, **3:8**
- Article 304 of SPC Civil Procedure Law Opinions 1992, **2:15**
- Before 1982, enforcement, **3:5**
- Choice of applicable law, **2:19-2:23**

FOREIGN-RELATED AWARDS

—Cont'd

- Civil Procedure Law 1982 (Trial Implementation), enforcement, **3:6**
- Civil Procedure Law 1992, enforcement, **3:7**
- Civil Procedure Law Opinions 1992, **2:15**
- Commercial arbitration
 - commissions and associations, domestic awards distinguished, **2:17**
 - Greater China awards as domestic or foreign-related, **2:27, 2:28**
- Commissions, **2:17**
- Defendant invoking grounds for nonenforcement, **7:6**
- Definition of foreign-related, **2:15, 2:16**
- Domestic awards
 - compared, **7:35**
 - distinguished, **2:15-2:28**
- Due process, lack of, **8:18**
- Enforcement
 - generally, **3:1-4:22**
 - historical background, **3:5-3:9**
- Ex officio examination of grounds by court, **7:7**
- Forum selection, domestic awards distinguished, **2:18**
- Governing law, domestic awards distinguished, **2:19**
- Greater China awards compared
 - domestic awards distinguished, **2:27, 2:28**
 - grounds for nonenforcement, **7:38**
- Grounds for judicial review, **2:26**
- Grounds for nonenforcement
 - applicable legal provisions, **7:5-7:7**
 - defendant invoking grounds, **7:6**
 - domestic awards compared, **7:35**
 - due process, lack of, **8:18**
 - ex officio examination of grounds by court, **7:7**
 - Greater China awards compared, **7:38**
- New York Convention 1958/
UNCITRAL Model Law 2006

FOREIGN-RELATED AWARDS

—Cont'd

- Grounds for nonenforcement
 - Cont'd
 - awards compared, **7:36**
 - relevant grounds, **7:5-7:7**
 - setting aside, comparison of grounds for, **7:8**
- Hong Kong awards distinguished, **2:27, 2:28**
- Implications of distinction from domestic awards, **2:17-2:26**
- “International” as used in UNCITRAL Arbitration Model Law 2006, comparison, **2:16**
- Judicial review, **2:24-2:26**
- Lex arbitri, domestic awards distinguished, **2:21**
- Macao awards distinguished, **2:27, 2:28**
- New York Convention 1958/UNCITRAL Model Law 2006 awards compared, **7:36**
- Prior Reporting System, **2:25**
- Procedural rules, **2:23**
- Relevant grounds for nonenforcement, **7:5-7:7**
- Revised Civil Procedure Law 2008, enforcement of awards, **3:9**
- Scope and procedure of judicial review, **2:24**
- Setting aside, comparison of grounds for with grounds for nonenforcement, **7:8**
- Substantive law, **2:20**
- Taiwan awards distinguished, **2:27, 2:28**
- UNCITRAL Arbitration Model Law 2006, **2:16**

FORUM SELECTION

- Domestic and foreign-related awards distinguished, **2:18**

FREEZING PROPERTY

- Direct coercion, enforcement by, **6:13-6:17, 6:19-6:23**

GOVERNING LAW

- Domestic and foreign-related awards distinguished, **2:19**

GREATER CHINA ARBITRATION AGREEMENTS

- Arbitration Agreement** (this index)

GREATER CHINA AWARDS

- Arbitral award, definitions and distinctions, **4:19**
- Commercial arbitration awards as domestic or foreign-related, **2:27, 2:28**
- Current legal framework for enforcement, **3:13, 3:15, 3:17**
- Definitions and distinctions, enforceability of Greater China awards, **4:19**
- Domestic awards distinguished, **2:27, 2:28**
- Enforcement, generally, **3:12-3:17, 4:19**
- Foreign-related awards compared domestic awards distinguished, **2:27, 2:28**
- grounds for nonenforcement, **7:38**
- Foreign-related awards distinguished, **2:28**
- Grounds for nonenforcement applicability questions, **7:25, 7:26**
- foreign-related awards compared, **7:38**
- Hong Kong Awards** (this index)
- Macao Awards** (this index)
- New York Convention 1958/UNCITRAL Model Law 2006 awards compared, **7:37**
- preclusion, **7:25, 7:26**
- Taiwan Awards** (this index) waiver, **7:25**
- Historical background enforcement of awards, **3:12, 3:14, 3:16**
- Hong Kong awards, **3:12**
- Macao awards, **3:14**
- Taiwan awards, **3:16**
- Hong Kong Awards** (this index) Legal framework for enforcement, **3:12-3:17**
- Macao Awards** (this index) Mainland-Hong Kong Arrangement 2000, **3:13**
- Mainland-Macao Arrangement 2008, **3:15**

INDEX

GREATER CHINA AWARDS

—Cont'd

- SPC Provisions 1998, **3:17**
- Taiwan Awards (this index)

GROUND FOR

NONENFORCEMENT

- Generally, **7:1-7:39**
- Applicability questions
 - foreign awards, **7:31, 7:32**
 - Greater China awards, **7:26**
- Applicable legal provisions
 - arbitrability, **8:40-8:44**
 - binding character of award, **8:34-8:38**
 - capacity of party, **8:13**
 - due process, **8:17-8:20**
 - exceeding arbitration scope, **8:22-8:25**
 - foreign awards, **7:27**
 - foreign-related awards, **7:5-7:7**
 - Hong Kong awards, **7:15**
 - irregularity in arbitration procedure, **8:28-8:31**
 - Macao awards, **7:19**
 - public policy conflict, **8:46-8:53**
 - Taiwan awards, **7:23**
- Arbitrability
 - applicable law, **8:40-8:44**
 - Chinese awards, **8:43**
 - concept under Chinese law, **8:44**
 - foreign awards, **8:41**
 - Hong Kong awards, **8:41**
 - lack of arbitrability, **8:40-8:45**
 - Macao awards, **8:41**
 - relevance of lack of arbitrability, **8:40, 8:45**
 - Taiwan awards, **8:42**
- Arbitration Agreement** (this index)
- Binding character of award
 - applicable law, **8:34-8:38**
 - Chinese awards, **8:38**
 - foreign awards, **8:35**
 - Hong Kong awards, **8:35**
 - lack of binding character, **8:34-8:39**
 - Macao awards, **8:36**
 - relevance of lack of binding character, **8:39**
 - Taiwan awards, **8:37**

GROUNDS FOR

NONENFORCEMENT—Cont'd

- Capacity of party
 - applicable law, **8:13, 8:14**
 - Chinese law, capacity under, **8:15**
 - civil capacity, generally, **8:14, 8:15**
 - relevance of lack of capacity, **8:16**
 - relevant legal provisions, **8:13**
 - scope of applicable law, **8:13**
- Character of award. Binding character of award, above
- Chinese arbitration agreements.
 - Arbitration Agreements** (this index)
 - Chinese Awards** (this index)
- Civil capacity of party. Capacity of party, above
- Comparative overview
 - domestic versus foreign-related awards, **7:35**
 - foreign-related awards versus New York Convention 1958/UNCITRAL Model Law 2006 awards, **7:36**
 - foreign-related versus Greater China awards, **7:38**
 - Greater China awards versus New York Convention 1958/UNCITRAL Model Law 2006 awards, **7:37**
 - standard of review, **7:33, 7:34**
 - summary table, **7:39**
- Concept of arbitrability under Chinese law, **8:44**
- Concept of public policy applied by SPC, **8:52**
- Consent award, waiver in connection with, **7:11**
- Defendant invoking grounds
 - domestic awards, **7:2**
 - foreign awards, **7:29**
 - foreign-related awards, **7:6**
 - Hong Kong awards, **7:17**
 - Macao awards, **7:21**
- Degree of irregularity in arbitration procedure, **8:32**
- Domestic Awards** (this index)
- Due process
 - applicable law, **8:17-8:20**

GROUND FOR

NONENFORCEMENT—Cont'd

- Due process—Cont'd
 - domestic awards, **8:19**
 - foreign awards, **8:18**
 - foreign-related awards, **8:18**
 - Hong Kong awards, **8:18**
 - lack of due process, generally, **8:17-8:21**
 - Macao awards, **8:18**
 - relevance of lack of due process, **8:21**
 - Taiwan awards, **8:20**
- Ex officio examination of grounds by court
 - domestic awards, **7:3**
 - foreign awards, **7:30**
 - foreign-related awards, **7:7**
 - Hong Kong awards, **7:18**
 - Macao awards, **7:22**
- Exceeding arbitration scope
 - applicable law, **8:22-8:25**
 - Chinese awards, **8:24**
 - extent of unenforceability, **8:26**
 - foreign awards, **8:23**
 - Hong Kong awards, **8:23**
 - Macao awards, **8:23**
 - partial unenforceability, **8:26**
 - relevance of exceeding arbitration scope, **8:27**
 - Taiwan awards, **8:25**
 - total unenforceability, **8:26**
- Extent of unenforceability, exceeding arbitration scope, **8:26**
- Failure to invoke ground during arbitration proceeding, **7:13**
- Foreign arbitration agreements.
 - Arbitration Agreements** (this index)
 - Foreign Awards** (this index)
 - Foreign-Related Awards** (this index)
- Greater China arbitration agreements.
 - Arbitration Agreements** (this index)
 - Greater China Awards** (this index)
 - Hong Kong Awards** (this index)
- Implementation laws of China, **7:32**
- International instruments, **7:31**

GROUND FOR

NONENFORCEMENT—Cont'd

- Irregularity in arbitration procedure
 - applicable law, **8:28-8:31**
 - Chinese awards, **8:30**
 - degree of irregularity, **8:32**
 - foreign awards, **8:29**
 - Hong Kong awards, **8:29**
 - Macao awards, **8:29**
 - relevance of irregularity in arbitration procedure, **8:33**
 - Taiwan awards, **8:31**
- Macao Awards** (this index)
- New York Convention 1958, grounds for nonenforcement of foreign awards, **7:28-7:30**
- Partial unenforceability, exceeding arbitration scope, **8:26**
- Preclusion
 - Chinese awards, right to invoke, **7:9-7:12**
 - foreign awards, **7:31, 7:32**
 - Greater China awards, **7:26**
- Public policy conflict
 - applicable law, **8:46-8:53**
 - Chinese awards, **8:51**
 - concept of public policy applied by SPC, **8:52**
 - foreign awards, **8:47**
 - Hong Kong awards, **8:48**
 - Macao awards, **8:49**
 - relevance of public policy ground, **8:53**
 - SPC, **8:52**
 - Taiwan awards, **8:50**
- Relevance of grounds
 - capacity of party, **8:13**
 - conflict with public policy ground, **8:53**
 - exceeding arbitration scope, **8:27**
 - irregularity in arbitration procedure, **8:33**
 - lack of binding character, **8:39**
 - lack of due process, **8:21**
- Scope of applicable law, capacity of party, **8:13**
- Setting aside
 - Chinese awards, preclusion of right to invoke same ground for nonenforcement, **7:12**

INDEX

GROUNDS FOR

NONENFORCEMENT—Cont'd

- Setting aside—Cont'd
 - domestic awards, comparison of grounds for, **7:4**
 - foreign-related awards, comparison of grounds for, **7:8**
- SPC and concept of public policy, **8:52**
- Standard of review
 - basic principles of review, **7:33**
 - comparative overview, **7:33, 7:34**
 - discretionary power of courts, **7:34**
- Taiwan Awards** (this index)
- Total unenforceability, exceeding arbitration scope, **8:26**
- Waiver
 - Chinese awards, **7:9, 7:11, 7:13**
 - foreign awards, **7:31, 7:32**
 - Greater China awards, **7:26**

HISTORICAL PERSPECTIVE

Background or History (this index)

HONG KONG AWARDS

- Applicable law
 - enforcement, **3:12, 3:13**
 - grounds for nonenforcement, **7:15**
- Arbitrability, **8:41**
- Binding character of award, **8:35**
- Commercial arbitration, **2:27, 2:28**
- Conflict with public policy, **8:48**
- Defendant invoking grounds for nonenforcement, **7:17**
- Domestic awards distinguished, **2:27, 2:28**
- Due process, lack of, **8:18**
- Ex officio examination of grounds by court, **7:18**
- Exceeding arbitration scope, **8:23**
- Foreign-related awards distinguished, **2:27, 2:28**
- Grounds for nonenforcement
 - generally, **7:16**
 - applicable legal provisions, **7:15**
 - arbitrability, **8:41**
 - binding character of award, **8:35**
 - defendant invoking grounds, **7:17**
 - due process, lack of, **8:18**
 - ex officio examination of grounds by court, **7:18**

HONG KONG AWARDS—Cont'd

- Grounds for nonenforcement—Cont'd
 - exceeding arbitration scope, **8:23**
 - irregularity in arbitration procedure, **8:29**
 - public policy conflict, **8:48**
- Historical background, legal framework for enforcement, **3:12**
- Irregularity in arbitration procedure, **8:29**
- Legal framework for enforcement, **3:12, 3:13**
- Mainland-Hong Kong Arrangement 2000, **3:13**
- Public policy conflict, **8:48**

ICSID

- Enforcement of arbitral awards over investment disputes, **3:29-3:43**

INDEPENDENCE

- Arbitration commissions, **2:12**
- Courts, **1:29, 1:30**

INSTITUTIONAL ARBITRATION

- Ad hoc arbitration
 - practical implications of prohibition, **2:30**
 - prohibition, **2:29**
- Article 4 of Arbitration Law 1995, principle of party autonomy, **2:42**
- Article 5 of Arbitration Law 1995, competence-competence principle, **2:32**
- Article 10 of Arbitration Law 1995, foreign arbitration institutions, **2:40, 2:41**
- Article 19 of Arbitration Law 1995, competence-competence principle, **2:33**
- Article 20 of Arbitration Law 1995, competence-competence principle, **2:34**
- Article 66 of Arbitration Law 1995, foreign arbitration institutions, **2:40, 2:41**
- Autonomy of party. Limited party autonomy, below

INSTITUTIONAL ARBITRATION

—Cont'd

- Competence-competence doctrine
 - Article 5 of Arbitration Law 1995, **2:32**
 - Article 19 of Arbitration Law 1995, **2:33**
 - Article 20 of Arbitration Law 1995, **2:34**
 - commissions, **2:35, 2:36**
 - consequences of lack, **2:35**
 - new developments, **2:36**
 - rejection of principle, **2:31-2:34**
- Conciliation
 - interaction with arbitration, **2:44-2:47**
 - outside arbitration proceedings, **2:46**
 - popularity of conciliation in arbitration, **2:47**
 - within arbitration proceedings, **2:45**
- Foreign institutions, limited access
 - Arbitration Law 1995, commission concept, **2:40**
 - implications, **2:41**
- Implicit prohibition of ad hoc arbitration, **2:29**
- Interaction between conciliation and arbitration, **2:44-2:47**
- Limited party autonomy
 - Article 4 of Arbitration Law 1995, **2:42**
 - autonomy limits, **2:43**
- Popularity of conciliation in arbitration, **2:47**
- Practical implications of prohibition of ad hoc arbitration, **2:30**
- Prohibition of ad hoc arbitration, **2:29, 2:30**
- Rejection of competence-competence principle, **2:31-2:34**
- Relationship between arbitral tribunal and arbitration commission
 - attorney as arbitrator, **2:38**
 - choice of arbitrators, control by commission, **2:38**
 - interim measures for protection of evidence or property, **2:39**

INSTITUTIONAL ARBITRATION

—Cont'd

- Relationship between arbitral tribunal and arbitration commission
 - Cont'd
 - predominant position of commissions, **2:37**
- Severability of arbitration clause, Article 19 of Arbitration Law 1995, **2:33**

INSTRUCTIONS FROM HIGHER COURT

- Judicial supervision, **1:23**

INTERFERENCE

- Independence of courts, **1:30**

INTERIM AWARDS

- Definitions and distinctions, **4:11**

INTERIM MEASURES OF PROTECTION

- Definitions and distinctions, **4:13**
- Property or evidence, **2:39**

INTERNATIONAL CENTER FOR SETTLEMENT OF INVESTMENT DISPUTES

- Enforcement of arbitral awards over investment disputes, **3:29-3:43**

INTERNATIONAL STANDARDS

- Compatibility of Chinese law, **5:17**
- Lack of uniformity, **5:16**
- Limited availability, **5:16**

INTERPRETATIONS

- Commercial arbitration, interpretation by Supreme People's Court, **2:13**
- Jurisdiction, interpretation by Supreme People's Court, **1:19**
- Law, interpretation by Supreme People's Court, **1:15**

JUDGES

- Functioning of judiciary, **1:12**

JUDICIAL SUPERVISION

- Judiciary (this index)

JUDICIARY

- Generally, **1:9-1:24**

INDEX

JUDICIARY—Cont'd

- Acceptance of case
 - conditions, **5:18**
 - decision of court, **5:19**
- Administration of justice by SPC, **1:17**
- Administration of local courts by Supreme People's Court, **1:16**
- Appeals, **1:24**
- Attorneys, **1:13**
- Challenges, **1:31**
- Civil Procedure Law as basis of jurisdiction, **1:19**
- Collection of data, **5:51**
- Commercial arbitration
 - intervention by court, **2:14**
 - local court opinions, **App C**
 - lower court provisions, **2:13**
 - Prior Reporting System, **2:25**
 - role of courts, **2:13, 2:14**
 - Supreme People's Court, judicial interpretations, opinions and other regulations, **2:13, App B**
- Common interferences to court independence, **1:30**
- Court-internal supervision, **1:23**
- Decision-making process, **1:11**
- Early termination
 - generally, **5:35**
 - circumstances justifying, **5:36**
 - formalities, **5:37**
- Enforceability of arbitral award, court's decision on award distinguished, **4:20**
- Entrustment of enforcement to another court
 - concept of entrustment, **5:29**
 - process, **5:30**
- Examination procedure
 - court's duty to examine property of defendant, **5:23**
 - decision, **5:27**
 - enforcement assistance notice, **5:28**
 - enforcement request, examination, **5:24**
 - grounds for nonenforcement, ex officio examination by court, below

JUDICIARY—Cont'd

- Examination procedure—Cont'd
 - hearing, **5:26**
 - notice of enforcement, **5:20**
 - parties' duty to examine property of defendant, **5:22**
 - property of defendant, examination, **5:21-5:23**
 - request for information from arbitration commission, **5:25**
- Formal supervision, **1:24**
- Functions
 - attorneys, **1:13**
 - decision-making process, **1:11**
 - internal organization of courts, **1:10**
 - judges, **1:12**
 - lawyers, **1:13**
 - structure overview, **1:9**
- General reform attempts, **1:32**
- Grounds for nonenforcement, ex officio examination by court
 - domestic awards, **7:3**
 - foreign awards, **7:30**
 - foreign-related awards, **7:7**
 - Hong Kong awards, **7:18**
 - Macao awards, **7:22**
- Independence of courts, **1:29, 1:30**
- Informal supervision, **1:23**
- Instructions from higher court, **1:23**
- Interferences to court independence, **1:30**
- Internal organization of courts
 - functioning of judiciary, **1:10**
 - level-based jurisdictions, **1:21, 5:3**
- Interpretations of jurisdiction by SPC, **1:19**
- Interpretations of law by SPC, **1:15**
- Judges, **1:12**
- Judicial supervision
 - generally, **1:22, 5:47**
 - appeals, **1:24**
 - court-internal supervision, **1:23**
 - formal, **1:24**
 - informal, **1:23**
 - instructions from higher court, **1:23**
 - inter parte supervision, **5:49**
 - internal supervision, **5:48**

JUDICIARY—Cont'd

- Judicial supervision—Cont'd
 - lower courts, supervision by
 - Supreme People's Court, **1:16**
 - right of appeal, **1:24**
 - Supreme People's Court, supervision of lower courts, **1:16**
- Jurisdiction
 - Civil Procedure Law, **1:19**
 - level-based jurisdiction, **1:21, 5:3**
 - SPC interpretations, **1:19**
 - territorial, **1:20, 5:2**
- Lawyers
 - functions, **1:13**
 - necessity for Chinese lawyer, **5:15**
- Level-based jurisdiction, **1:21, 5:3**
- Local courts
 - administration by Supreme People's Court, **1:16**
 - commercial arbitration provisions, **2:13**
 - opinions, **App C**
 - role, **1:18**
 - supervision by Supreme People's Court, **1:16**
- Organ of enforcement, **5:1**
- Organization of courts
 - internal, **1:10**
 - local courts, above
 - structure overview, **1:9**
- Supreme People's Court (SPC)**
(this index)
- Property preservation
 - competent court, **5:45**
 - function of preservation measures in context of enforcement proceedings, **5:44**
 - procedure, **5:46**
- Reform attempts, **1:32, 1:33**
- Right of appeal, **1:24**
- Role of local courts, **1:18**
- Role of Supreme People's Court, **1:14-1:17**
- Scope of court independence, **1:29**
- Specific reform attempts, **1:33**
- Structure of courts
 - need for reform, **1:34**
 - overview, **1:9**
 - reform, **1:34**

JUDICIARY—Cont'd

- Supervision. Judicial supervision, above
 - Supreme People's Court (SPC)**
(this index)
 - Suspension
 - generally, **5:31**
 - Article 232 of Civil Procedure Law 2008, **5:32**
 - circumstances justifying, **5:32, 5:33**
 - formalities, **5:34**
 - list of circumstances, **5:32**
 - measuring efficacy, improper reason to stop arbitration, **9:8**
 - time limits for enforcement, **5:42**
 - Territorial jurisdiction, **1:20, 5:2**
 - Time limits for enforcement
 - Civil Procedure Law 2008, **5:38**
 - conflicting regulations, **5:39**
 - confusion, **5:43**
 - general time limit, **5:38**
 - harmonization attempt by SPC, **5:40-5:42**
 - six-months, **5:42**
 - starting point, **5:41**
 - suspension of running of six-month time limit, **5:42**
 - Transparency of enforcement proceedings, **5:50**
- JURISDICTION**
- Civil Procedure Law, **1:19**
 - Enforcement, territorial jurisdiction, **5:2**
 - Interpretation by Supreme People's Court, **1:19**
 - Level-based jurisdiction, **1:21, 5:3**
 - Measuring efficacy, lack of arbitral jurisdiction vs improper reason to stop arbitration, **9:8**
 - Supreme People's Court
 - interpretation of jurisdiction, **1:19**
 - validity of arbitration agreement, jurisdiction over, **2:34**
 - Territorial jurisdiction, **1:20, 5:2**
 - Validity of arbitration agreement, jurisdiction of Supreme People's Court, **2:34**
 - Washington Convention 1965, jurisdiction of ICSID, **3:31**

INDEX

LAWS AND REGULATIONS

- Abolished laws and regulations, **App F**
- Administrative documents of the PRC, **App E**
- Administrative regulations of the PRC, **App D**
- Bilateral treaties with PRC, **App II**
- Foreign and international laws
 - international conventions and treaties, **App I, App J**
 - tables, **App III**
- Laws and regulations from the PRC, **App A**
- Local court opinions of the PRC, **App C**
- Relevant laws and regulations, **App I**
- Soft law, **App IV**
- Supreme People's Court, judicial interpretations, opinions and other regulations, **App B**
- Tables
 - foreign and international laws, **App III**
 - relevant laws and regulations, **App I**

LAWYERS

- Functioning of judiciary, **1:13**
- Representation issues, need for Chinese lawyer, **5:15**
- Selection of arbitrator, **2:38**

LEGAL SYSTEM AND INSTITUTIONS

- Generally, **1:1-1:34**
- Background or history, **1:1**
- Characteristics differing from European civil law models, **1:26**
- Civil law system
 - European models, **1:25**
 - non-European models, **1:26**
- Historical perspective, **1:1**
- Independence of courts, **1:29, 1:30**
- Institutions, generally, **1:2**
- Judiciary** (this index)
- Legislature** (this index)
- Separation of powers, **1:28**
- Unitary state, **1:27**

LEGISLATURE

- Generally, **1:3-1:8**
- Authorities with lawmaking power generally, **1:3**
 - Local People's Congresses and Standing Committees, **1:6**
 - National People's Congress (NPC), **1:4**
 - State Council, **1:5**
- Congress
 - Local People's Congress, **1:6**
 - National People's Congress (NPC), **1:4**
- Hierarchy, **1:8**
- Local People's Congresses and Standing Committees, **1:6**
- Local People's governments, **1:7**
- National People's Congress (NPC), **1:4**
- Standing Committees of Local People, **1:6**
- State Council, **1:5**

LEX ARBITRI

- Domestic and foreign-related awards distinguished, **2:21**

LITIGANTS

- Enforcement by indirect coercion, **6:27**

LOCAL COURTS

- Judiciary** (this index)

LOCAL PEOPLE'S CONGRESS

- Lawmaking power, **1:6**

LOCAL PEOPLE'S STANDING COMMITTEES

- Lawmaking power, **1:6**

LOWER COURTS

- Administration by Supreme People's Court, **1:16**

MACAO AWARDS

- Applicable legal provisions enforcement, **3:14, 3:15**
 - grounds for nonenforcement, **7:19**
- Arbitrability, **8:41**
- Binding character of award, **8:36**
- Commercial arbitration, **2:27, 2:28**
- Conflict with public policy, **8:49**

ENFORCEMENT OF COMMERCIAL ARBITRAL AWARDS IN CHINA

MACAO AWARDS—Cont'd

- Defendant invoking grounds for nonenforcement, **7:21**
- Domestic awards distinguished, **2:27, 2:28**
- Due process, lack of, **8:18**
- Ex officio examination of grounds by court, **7:22**
- Exceeding arbitration scope, **8:23**
- Foreign-related awards distinguished, **2:27, 2:28**
- Grounds for nonenforcement
 - generally, **7:20**
 - applicable legal provisions, **7:19**
 - arbitrability, **8:41**
 - binding character of award, **8:36**
 - defendant invoking grounds, **7:21**
 - due process, lack of, **8:18**
 - ex officio examination of grounds by court, **7:22**
 - exceeding arbitration scope, **8:23**
 - irregularity in arbitration procedure, **8:29**
 - public policy conflict, **8:49**
- Grounds for nonenforcement, generally, **7:20**
- Historical background, legal framework for enforcement, **3:14**
- Irregularity in arbitration procedure, **8:29**
- Legal framework for enforcement, **3:14, 3:15, 7:19**
- Mainland-Macao Arrangement 2008, **3:15**
- Public policy conflict, **8:49**

MAINLAND-HONG KONG ARRANGEMENT 2000

- Generally, **3:13**

MAINLAND-MACAO ARRANGEMENT 2008

- Generally, **3:15**

MODES OF ENFORCEMENT

- Generally, **6:11**

MUTUAL ASSISTANCE TREATIES (MATs)

- Generally, **App H**

MUTUAL ASSISTANCE

TREATIES (MATs)—Cont'd

- Legal framework for enforcement, **3:25-3:27**

NATIONAL PEOPLE'S CONGRESS (NPC)

- Lawmaking power, **1:4**

NONENFORCEMENT OF AWARD

- Appeal, absent of right, **6:4**
- Award abroad, enforcement, **6:9**
- Consequences of decision, **6:2**
- Consequences of decision not to enforce, **6:1-6:10**
- Decision to refuse enforcement, **6:1**
- Foreign enforcement order, enforcement, **6:10**
- Grounds for Nonenforcement** (this index)
 - Immediate consequences of decision, **6:2**
 - Informal channels, **6:7**
 - Legal remedies
 - adjudication supervision procedure absent, **6:5**
 - appeal, absence of right, **6:4**
 - investment treaty, claim for violation of foreign investor's right, **6:6**
 - limited legal remedies, **6:3**
 - minimal remedies, **6:3**
 - Rearbitration/adjudication in China, **6:8**
 - Refusal of enforcement, **6:1**

OFFICIAL CHINESE TRANSLATIONS

- Technical terms, **App O**

ORGANS OF ENFORCEMENT

- Generally, **5:1-5:3**
- Courts, **5:1**
- Jurisdiction by level, **5:3**
- Territorial jurisdiction, **5:2**

PANELS

- Selection of arbitrator, control by commission, **2:38**

PARA-ENFORCEMENT

- Annulment of prior disposal acts, **6:38**

INDEX

PARA-ENFORCEMENT—Cont'd

- Concept, **6:36**
- Measures, **6:36-6:38**
- Prior disposal acts annulled, **6:38**
- Request for subrogation of claims, **6:37**
- Right of applicant to request subrogation of claims, **6:37**
- Subrogation of claims, **6:37**

PARTIES IN ENFORCEMENT

- Generally, **5:4**
- Capacity of party, grounds for nonenforcement applicable law, **8:13, 8:14**
- Chinese law, capacity under, **8:15**
- civil capacity, generally, **8:14, 8:15**
- relevance of lack of capacity, **8:16**
- relevant legal provisions, **8:13**
- scope of applicable law, **8:13**
- Defining efficacy, expectation of parties, **9:2**
- Exceptions, **5:5**
- Identity of losing party, **5:6, 5:7**
- Legal entity, losing party as, **5:7**
- Natural person, losing party as, **5:6**
- Shortcomings, **5:7**

POSTENFORCEMENT SETTLEMENTS

- Measuring efficacy, **9:14**

PRESERVATION OF EVIDENCE

- Interim measures, **2:39**

PRESERVATION OF PROPERTY

- Competent court, **5:45**
- Function of preservation measures in context of enforcement proceedings, **5:44**
- Interim measures, **2:39**
- Procedure, **5:46**

PRIOR REPORTING SYSTEM

- Judicial review of award, **2:25**

PROTECTION OF STATUS QUO

- Applicable time limits, **6:17**
- Assets to be enforced against, **6:14**
- Auction, **6:19**
- Continuing duty to perform award, **6:23**

PROTECTION OF STATUS QUO—Cont'd

- Detaining property, **6:13-6:17, 6:19-6:23**
- Direct coercion, enforcement by, **6:13-6:18, 6:19-6:23**
- Freezing property, **6:13-6:17, 6:19-6:23**
- Procedure for enforcement by direct coercion, **6:16**
- Scope of measures, **6:15**
- Sealing up property, **6:13-6:17, 6:19-6:23**
- Sell off, **6:20**
- Time limits, **6:17**
- Transfer of assets and/or property, **6:21**

PUBLIC POLICY CONFLICT

- Applicable law, grounds for nonenforcement, **8:46-8:53**
- Chinese awards, grounds for nonenforcement, **8:51**
- Concept of public policy applied by SPC, **8:52**
- Foreign awards, grounds for nonenforcement, **8:47**
- Grounds for nonenforcement, applicable law, **8:46-8:53**
- Hong Kong awards, grounds for nonenforcement, **8:48**
- Macao awards, grounds for nonenforcement, **8:49**
- Relevance of public policy ground for nonenforcement, **8:53**
- SPC, grounds for nonenforcement, **8:52**
- Taiwan awards, grounds for nonenforcement, **8:50**

RECORDS AND REPORTS

- Administrative documents of the PRC, **App E**
- Case reports, **App M**

RECOVERY OF ASSETS

- Percentage, measuring efficacy, **9:15**

REFERENCE

- Bibliography, **App P**
- Case reports, **App M**

REFERENCE—Cont'd

- List of technical terms with official Chinese translations, **App O**
- Table of abbreviations, **App N**
- Table of cases, **App L**

REFORM ATTEMPTS

- Assessment, institutional reforms, **9:24**
- Judiciary, **1:32, 1:33**

REGULATIONS

- Laws and Regulations** (this index)

REPORTS AND RECORDS

- Administrative documents of the PRC, **App E**
- Case reports, **App M**

REPRESENTATION

- Chinese lawyer necessary, **5:15**
- Functioning of judiciary, **1:13**
- Need for Chinese lawyer, **5:15**

REQUEST FOR ENFORCEMENT

- Additional documents, **5:10**
- Judiciary examination procedure, **5:24**
- Written request, **5:9**

REQUEST FOR INFORMATION

- Judiciary examination procedure, **5:25**

REVISED CIVIL PROCEDURE LAW 2008

- Domestic awards, enforcement, **3:4**
- Foreign-related awards, enforcement, **3:9**

SANCTIONS

- Administrative sanctions, **6:26-6:29**
- Civil sanctions, **6:25**
- Criminal sanctions, **6:30-6:35**

SEALING UP PROPERTY

- Direct coercion, enforcement by, **6:13-6:17, 6:19-6:23**

SELECTION OF ARBITRATOR

- Arbitration commissions, **2:38**
- Attorney as arbitrator, **2:38**

SEPARATION OF POWERS

- Legal system and institutions, **1:28**

SETTING ASIDE AWARD

- Chinese awards, preclusion of right to invoke same ground for nonenforcement, **7:12**
- Definitions and distinctions, **4:5**
- Domestic awards, comparison with grounds for nonenforcement, **7:4**
- Enforcement distinguished from setting aside of arbitral award, **4:5**
- Foreign-related awards, comparison with grounds for nonenforcement, **7:8**

SETTING ASIDE CASE

- Measuring efficacy, grounds and reasons to set aside case, **9:11**

SETTLEMENT AGREEMENT

- Arbitral award distinguished, **4:14**

SEVERABILITY OF ARBITRATION CLAUSE

- Article 19 of Arbitration Law 1995, **2:33**

STANDARD OF REVIEW

- Grounds for Nonenforcement** (this index)

STANDING COMMITTEES

- Lawmaking power, **1:6**

STATE COUNCIL

- Lawmaking power, **1:5**

SUBROGATION OF CLAIMS

- Para-enforcement, **6:37**

SUMMARIES OF CASE REPORTS

- Generally, **App M**

SUPERVISION

- Judiciary** (this index)
- Nonenforcement of award, absence of adjudication supervision procedure, **6:5**

SUPREME PEOPLE'S COURT (SPC)

- Generally, **1:14**
- Administration of justice, **1:17**
- Administration of lower courts, **1:16**
- Article 304 of SPC Civil Procedure Law Opinions 1992, foreign-

INDEX

SUPREME PEOPLE'S COURT (SPC)—Cont'd

- related awards, **2:15**
- Commercial arbitration interpretations, **2:13**
- Interpretation of law, **1:15**
- Interpretations and jurisdiction, **1:19**
- Judicial interpretations, opinions and other regulations, **App B**
- Jurisdiction
 - generally, **1:19**
 - validity of arbitration agreement, **2:34**
- Role, generally, **1:14-1:17**
- Supervision of lower courts, **1:16**
- Taiwan awards, SPC Provisions 1998, **3:17**
- Validity of arbitration agreement, jurisdiction over, **2:34**

SUSPENSION

- Judiciary** (this index)
- Measuring efficacy, improper reason to stop arbitration, **9:8**

TABLES

- Abbreviations, **App N**
- Abolished laws and regulations, **App F**
- Administrative documents of the PRC, **App E**
- Administrative regulations of the PRC, **App D**
- Arbitration rules and other arbitration instruments, **App K**
- Bilateral treaties with PRC, **App II**
- Cases, **App L**
- Foreign and international laws, **App III**
- Grounds for nonenforcement, summary table, **7:39**
- International conventions and treaties, **App I, App J**
- Laws and regulations, **App A, App I**
- Local court opinions of the PRC, **App C**
- Relevant laws and regulations, **App I**
- Soft law, **App IV**
- Soft law tables, **App IV**
- Supreme People's Court, judicial interpretations, opinions and

TABLES—Cont'd

- other regulations, **App B**

TAIWAN AWARDS

- Applicable legal provisions
 - enforcement, **3:16, 3:17**
 - grounds for nonenforcement, **7:23**
- Arbitrability, **8:42**
- Binding character of award, **8:37**
- Breach of "One China Principle," **8:66**
- Breach of principle of res judicata, **8:65**
- Commercial arbitration, **2:27, 2:28**
- Conflict with public policy, **8:50**
- Domestic awards distinguished, **2:27, 2:28**
- Due process, lack of, **8:20**
- Exceeding arbitration scope, **8:25**
- Foreign-related awards distinguished, **2:27, 2:28**
- Grounds for nonenforcement
 - generally, **7:24, 8:64**
 - applicable legal provisions, **7:23**
 - arbitrability, **8:42**
 - binding character of award, **8:37**
 - breach of "One China Principle," **8:66**
 - breach of principle of res judicata, **8:65**
 - due process, lack of, **8:20**
 - exceeding arbitration scope, **8:25**
 - irregularity in arbitration procedure, **8:31**
- One China Principle, **8:66**
- public policy conflict, **8:50**
- res judicata, **8:65**
- Historical background, legal framework for enforcement, **3:16**
- Irregularity in arbitration procedure, **8:31**
- Legal framework for enforcement, **3:16, 3:17, 7:23**
- One China Principle, **8:66**
- Public policy conflict, **8:50**
- Res judicata, **8:65**
- SPC Provisions 1998, **3:17**
- Supreme People's Court provisions 1998, **3:17**

TECHNICAL TERMS

Official Chinese translations, **App O**

THIRD PARTIES

Enforcement by indirect coercion,
6:27

TIME LIMITS

Calculation, **5:12**

Civil Procedure Law 2008, time
limits for enforcement, **5:38**

Direct coercion, enforcement by,
protection of status quo, **6:17**

Enforcement. **Judiciary** (this index)

Measuring efficacy, number of
arbitrations initiated within
specific time period, **9:7**

Payment of costs, **5:14**

Two-year limit, **5:11**

**TRANSFER OF ASSETS AND/OR
PROPERTY**

Direct coercion, enforcement by,
6:21

TRANSLATIONS

List of technical terms with official
Chinese translation, **App O**

TREATIES, BILATERAL

Generally, **App II**

**Bilateral Investment Treaties
(BITs)** (this index).

Mutual assistance treaties, **3:25-3:27**,
App H

UNCITRAL ARBITRATION

MODEL LAW 2006

Definition of foreign-related
compared with term
“international,” **2:16**

Foreign-related awards versus New
York Convention 1958/
UNCITRAL Model Law 2006
awards, grounds for nonenforce-
ment, **7:36**

Greater China awards versus New
York Convention 1958/
UNCITRAL Model Law 2006
awards, grounds for nonenforce-
ment, **7:37**

UNITARY STATE

Legal system and institutions, **1:27**

WAIVER

Chinese awards, grounds for
nonenforcement, **7:9, 7:11, 7:13**

Consent award, waiver in connection
with, **7:11**

Foreign awards, grounds for
nonenforcement, **7:31, 7:32**

Greater China awards, grounds for
nonenforcement, **7:25, 7:26**

Implicit waiver, Chinese awards,
7:13

WASHINGTON CONVENTION

1965

Enforcement of awards. **Awards** (this
index)

WRITING

Request for enforcement, **5:9**