

# China Legal Report

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## The SIAC Arbitration Rules 2025

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# The SIAC Arbitration Rules 2025

## I. Introduction

On **9 December 2024**, the **Singapore International Arbitration Centre** (SIAC) published the **7th edition of its Arbitration Rules** (hereinafter referred to as the "2025 Rules"), which have come into force since **1 January 2025**. The 2025 Rules have replaced the preceding **2016 edition** and introduced several significant updates to reflect global best practices and addressed user feedback gathered during a year-long consultation process.

The **2025 Rules** are particularly relevant for cross-border businesses operating in China and East Asia, as SIAC has established itself as one of the most preferred arbitration institutions with Asian competence, with Singapore being recognized as a leading seat for international arbitration. The 2025 Rules apply to all arbitrations commenced on or after **1 January 2025**, unless the parties agree otherwise.

This report highlights the major updates in the **2025 Rules** and examines their potential implications for Asian related arbitration practice.

## II. Streamlined Procedure (Rule 13 and Schedule 2)

The **Streamlined Procedure** introduced in the 2025 Rules provides a supplement to the **Expedited Procedure** for modest disputes while the Expedited Procedure has been updated to accommodate median sized disputes (see below Section III). Key features of the Streamlined Procedure include:

- Applicable where the amount in dispute does not exceed **S\$1,000,000** (approximately CHF 660,000 or RMB 5,350,000) or where parties agree to its application.
- Only a sole arbitrator may be appointed, and the arbitrator must render a final award within 3 months of the tribunal's constitution, unless the registrar extends the time for making

such final award.

- No hearing shall be conducted unless the Tribunal determines that a hearing is necessary under the circumstances or a party requests a hearing and the Tribunal accepts the request.

The Streamlined Procedure is particularly appealing to small and medium sized enterprises for resolving international disputes, as it offers a quick and cost-effective solution, making arbitration more accessible and efficient for smaller-scale claims.

However, when determining whether to apply this procedure, considerations should extend beyond mere efficiency and cost concerns, nor should decisions rest solely on the magnitude of the disputed amount. Instead, it is crucial to holistically assess the complexity of factual and legal relationships involved and to carefully evaluate the potential ramifications of relinquishing procedural rights—such as participating in court hearings—on the adjudication of the case.

### **III. Broader Expedited Procedure (Rule 14 and Schedule 3)**

The **Expedited Procedure** has been expanded to complement the Streamlined Procedure. Key updates of the Expedited Procedure include:

- Applicable where the amount in dispute does not exceed **S\$10 million** (approximately CHF 6.6 million or RMB 53.5million) but is more than S\$1 million or where parties agree to its application.
- The final award must be issued within **6 months** of the tribunal's constitution, unless extended by the registrar.

This broader scope ensures that medium-value disputes can also benefit from expedited resolution.

### **IV. Preliminary Determinations (Rule 46)**

The new **Rule 46** allows parties to apply for a **final and binding preliminary determination** of any issue in the arbitration, provided:

- The parties agree to allow the tribunal to determine the issue on a preliminary basis.
- The determination is likely to save time and costs or lead to a more expeditious resolution of the dispute.
- The circumstances warrant such a preliminary determination.

Tribunals must issue decisions or awards on preliminary determinations within **90 days** of the application, subject to extensions by the registrar.

While SIAC 2016 Rule 19 grants the tribunal broad discretion to manage arbitration proceedings—including determining procedure, evidence, and case management measures, the new Rule 46 goes further by expressly empowering the tribunal to make legally binding preliminary determinations on any issue of fact or law at an early stage, thereby expanding opportunities for swifter dispute resolution.

## **V. Emergency Arbitrator and Protective Preliminary Orders (Rule 12.1 and Schedule 1)**

The **Emergency Arbitrator Procedure** has been updated to allow parties to apply for emergency interim relief even before filing a Notice of Arbitration. Key updates include:

- The Notice of Arbitration must be filed within **7 days** of the application for Emergency Arbitrator Procedure is filed.
- Parties can request **protective preliminary orders**, which direct a party not to frustrate the purpose of the requested emergency relief.
- Such orders must be determined within **24 hours** of the Emergency Arbitrator's appointment.
- When applying for a protective preliminary order, the applicant is not required to notify the opposing party. Only

after obtaining a preliminary protective order does the applicant become obligated to notify the opposing party within 12 hours.

These updates aim at enhancing the timely availability and effectiveness of emergency relief in urgent cases.

## **VI. Coordinated Arbitration Procedures (Rule 17)**

The **2025 Rules** introduce, for the first time, Coordinated Arbitration Procedures (**Rule 17**), which allows for the coordination of multiple arbitrations administered by the same tribunal. Where the arbitrations involve common legal or factual issues, the tribunal may:

- Conduct the arbitrations concurrently or sequentially.
- Hear the arbitrations together and align procedural aspects;.
- Suspend one arbitration pending the resolution of another.

This rule is designed to further increase efficiency and reduce cost for parties managing related disputes. While Multiple Contracts (Rule 15) and Consolidation (Rule 16) provide mechanisms for combining or consolidating multiple disputes into a single arbitration, Rule 17 offers an additional option for related disputes that cannot be joined as one arbitration under Rules 15 or 16; in such cases, the same tribunal may apply Rule 17 and coordinate the separate arbitrations to enhance procedural efficiency, without merging the proceedings or awards.

## **VII. Third-Party Funding (Rule 38)**

The **2025 Rules** require for the first time the disclosure of third-party funding (TPF) arrangements.

- Parties must disclose the existence of any TPF agreement, as well as the identity and contact details of the funder.
- Tribunals may consider TPF arrangements when apportioning costs.

This new rule aims to promote transparency and tackle potential conflicts of interest.

### **VIII. Challenge of Arbitrators (Rules 26 and 27)**

A new ground for challenging arbitrators has been added under **Rule 26.1**: Arbitrators may now be challenged if they become unable to perform their functions.

Additionally, Schedule of Fees has seen the introduction of a **challenge filing fee** of **S\$10,000** for overseas parties, effective from **1 January 2025**.

### **IX. Mediation and Early Settlement (Rule 32.4)**

The **2025 Rules** encourage the early settlement of disputes through mediation. Tribunals are empowered to:

- Consult with parties during the first case management conference on the potential for settlement through amicable dispute resolution methods such as mediation under the SIAC-SIMC Arb-Med-Arb Protocol (“AMA Protocol”).
- Suspend proceedings to allow parties to explore mediation or other dispute resolution methods.

If the parties reach a mediated settlement, the tribunal may, with the consent of all parties, record the terms of the settlement in the form of a consent award (AMA Protocol Rule 9). A mediated settlement reflected in a consent award is final and binding and can be enforceable under the **New York Convention** (Arb-Med-Arb Clause). If parties are unable to settle their dispute through mediation, they may continue with the arbitration proceedings.

### **X. Information Security and Environmental Sustainability (Rules 4, 32.3(b) and 61)**

The **2025 Rules** emphasize information security and environmentally sustainable practices:

- SIAC's new **Gateway** system allows parties to upload documents securely via a cloud-based platform.
- Tribunals are encouraged to adopt sustainable practices, such as minimizing paper use and reducing travel-related carbon footprints.
- Tribunals may impose sanctions or costs for non-compliance with security measures.

These provisions align arbitration practice with broader societal expectations.

## **XI. Other Notable Updates**

- **Security for Costs and Claims (Rules 48 and 49):** Tribunals may order security to be paid by the applicant for costs or claims to enhance fairness and minimize risks.
- **Confidentiality (Rule 59):** Parties and tribunals must treat all matters related to the proceedings as confidential.
- **Summary Dismissal (Rule 47):** Tribunals may dismiss claims or defences that are manifestly without merit or outside the tribunal's jurisdiction.

## **XII. Conclusion**

The **2025 Rules** of SIAC have introduced significant updates designed to enhance efficiency, transparency, and flexibility in arbitration proceedings. By addressing key developments in international arbitration—such as TPF, sustainability, and early settlement. These changes seek to solidify SIAC's position as a forward-thinking institution by ensuring it continues to meet the evolving needs of the global arbitration community.

As the rules just came into force on 1 January 2025, their practical impact remains to be seen. Wenfei will closely monitor and analyse how

these innovations are implemented by parties and tribunals in practice, gaining insights into their effectiveness and influence on the international arbitration landscape.

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