The Online Mediation Rules of the People’s Courts, as adopted at the 1,859th Session of the Adjudication Committee of the Supreme People’s Court on December 27, 2021, are hereby promulgated and shall take effect on January 1, 2022.

The Supreme People’s Court

December 30, 2021

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Online Mediation Rules of the People’s Courts

(Adopted at the 1,859th Session of the Adjudication Committee of the Supreme People’s Court on December 27, 2021, and effective as of January 1, 2022)

The Rules are enacted in accordance with the *Civil Procedure Law of the People’s Republic of China*, the *Administrative Procedure Law of the People’s Republic of China*, the *Criminal Procedure Law of the People’s Republic of China* and other laws, in light of actual practices of the people’s courts, for the purpose of facilitating timely dispute resolution by the parties concerned, regulating online mediation activities carried out through the mediation platform of the people’s courts, and improving the efficiency of diversified dispute resolution.

**Article 1** The Rules apply to online mediation carried out on the mediation platform of the people’s courts prior to case filing or during the litigation process.

**Article 2** Online mediation includes all or part of the mediation activities such as online application, appointment and entrustment, audio and video mediation, preparation of mediation agreement, application for judicial confirmation of mediation agreement, preparation of mediation papers, etc. carried out by the people’s courts, the parties concerned, mediation organization or mediator through the mediation platform of the people’s courts.

**Article 3** Online mediation may be carried out in disputes which can be mediated or reconciled according to laws, such as civil disputes, administrative disputes, enforcement disputes, criminal private prosecution disputes and incidental civil actions in criminal proceedings in which the accused or the offender has not held in custody.

For online mediation of administrative cases, criminal private prosecution cases and incidental civil actions in criminal proceedings, where the laws and judicial interpretations stipulate otherwise, such provisions shall prevail.

**Article 4** When adopting online mediation, the people’s courts shall obtain the consent of the parties concerned and take into account the specific circumstances, technical conditions and other factors of the cases.

**Article 5** Judges of the people’s courts, full-time or part-time mediators, specially-invited mediation organizations and specially-invited mediators, as well as other organizations or individuals invited by the people’s courts, may carry out online mediation.

The basic information, scope of dispute acceptance, areas of expertise, charging or not of an online mediation organization and mediator, and the information of the people’s court that makes the invitation shall be made public on the mediation platform of the people’s court for the convenience of the parties to make choices.

**Article 6** People’s courts may invite eligible foreigners to join the mediation platform of the people’s courts to participate in the mediation of civil and commercial disputes in which one or both parties concerned are foreigners, stateless persons, foreign enterprises or organizations.

Eligible Hong Kong and Macao residents may join the mediation platform of the people’s courts to participate in the mediation of civil and commercial disputes in which one or both parties concerned are residents, legal persons or unincorporated organizations from Hong Kong Special Administrative Region or Macao Special Administrative Region, or Hong Kong or Macao-funded enterprises in the Mainland.

Eligible Taiwan residents may join the mediation platform of the people’s courts to participate in the mediation of civil and commercial disputes in which one or both parties concerned are residents, legal persons or unincorporated organizations from Taiwan or Taiwan-funded enterprises in the Mainland.

**Article 7** Before filing a case or during a lawsuit, the case-filing or adjudicating personnel of the people’s courts, if they believe that online mediation is suitable for the dispute, may fully explain the advantages of online mediation in oral, written, online or other forms, inform the parties of the main forms, rights and obligations, legal consequences, operating methods, etc. of online mediation, and guide the parties to give priority to online mediation to resolve their dispute.

**Article 8** Where the parties concerned agree on online mediation, they shall fill in their identity information, brief description of the dispute, effective contact phone number and electronic address for receiving litigation documents on the mediation platform of the people’s court, and upload electronic litigation application materials. A party concerned shall avoid duplicate submission if it has submitted application materials for electronic case-filing on the electronic litigation platform.

Where it is indeed difficult for the party concerned to fill out or submit electronic case-filing application materials, the people’s court may assist the party concerned in digitalizing and uploading the paper materials to the mediation platform of the people’s courts.

**Article 9** Where parties concerned apply for online mediation before case filing, the people’s court concerned shall return the application and handle it respectively in any of the following circumstances:

(I) Where the dispute is not within the scope of case acceptance, the people’s court shall inform alternative means of dispute settlement available to the parties concerned;

(II) Where the people’s court that has established an inviting relationship with the online mediation organization or mediator selected by the parties has no jurisdiction over the dispute, the people’s court shall inform the parties to select a mediation organization or mediator invited by the people’s court with jurisdiction over the dispute to mediate the dispute;

(III) Where online mediation is inappropriate for the dispute, the people’s court shall inform the parties to go to the litigation service hall of the people’s court to handle mediation or case filing procedures on site.

**Article 10** Where one of the parties concerned agrees to conduct online mediation before case filing, the people’s court shall designate a mediation organization or mediator after seeking its opinion.

Where both parties concerned agree to conduct online mediation, they may jointly select a mediation organization or mediator from the online mediation organizations and mediators confirmed by the court having jurisdiction over the case. Where the parties concerned agree that the people’s court shall designate a mediation organization or mediator, or are unable to jointly select a mediation organization or mediator within two business days after agreeing to conduct online mediation, the people’s court shall designate a mediation organization or mediator.

The people’s court shall designate a mediation organization or mediator within three business days after receiving the application for online mediation from the parties concerned.

**Article 11** Online mediation shall generally be carried out by one mediator. If the case is major, complicated or highly specialized, it may be mediated by two or more mediators, and one of them shall be jointly selected by the parties to preside over the mediation. If the joint selection cannot be made, the people’s court shall designate a mediator to preside over the mediation.

**Article 12** A mediation organization or mediator shall, within three business days after receiving the information of the entrusted mediation from the people’s court or the online mediation application from the parties concerned, confirm to accept the appointment and entrustment by the people’s court or the mediation application from the parties concerned. If the dispute does not fall within the scope of mediation or areas of business specified in the articles of association of the mediation organization, or obviously exceeds the mediator’ expertise, or there are other circumstances in which it is inappropriate to accept the mediation, the mediation organization or mediator may reject the mediation after stating the reasons.

If the mediation organization or mediator refuses to accept or does not confirm within the prescribed time limit, the people’s court, the parties concerned may appoint or select a new mediation organization or mediator.

 **Article 13** A person presiding over or participating in online mediation shall disclose any of the following circumstances before accepting the mediation or during the mediation:

(I) Being a party to the dispute or a close relative of a party concerned or an agent ad litem;

(II) Holding a stake in the dispute; or

(III) Having other relations with a party concerned or an agent ad litem that may affect the fairness of mediation.

If the parties concerned agree to continue the mediation after being informed by the mediation organization or the mediator of the above circumstances, or is well aware of the above circumstances, the mediation organization or the mediator shall continue to mediate.

**Article 14** During online mediation, the parties concerned may apply for replacing the mediation organization or mediator. After the replacement, if the parties concerned still disagree and refuse to make their own choice, the parties shall be deemed to have refused mediation.

**Article 15** Where one of the parties applies for online mediation before filing the case, the people’s court shall consult the other party’s willingness to mediate. A mediator may assist the people’s court in notifying the other party and asking whether to agree to the mediation within three business days from the date of accepting the appointment of mediation by the people’s court.

If the other party refuses mediation or cannot be reached, the mediator shall specify the reasons, terminate the online mediation procedure, promptly return the relevant materials to the people’s court, and notify the parties concerned.

**Article 16** The person presiding over an online mediation shall, prior to organizing the mediation, confirm the methods by which the parties concerned participate in the mediation, and handle the case in accordance with the following circumstances:

(I) If all the parties concerned can use audio and video technologies, the parties shall log on to the mediation platform of the people’s courts at the same appointed time; if it is impossible for the parties to log in at the same time, with the consent of all parties concerned, audio and video mediation shall be conducted for the parties separately at designated time.

(II) If some of the parties concerned do not have the technical conditions to use audio and video technologies, places and audio and video equipment shall be provided for them to participate in online mediation at the litigation service center of the people’s court, the mediation organization or in any other convenient places.

If neither party has the technical conditions to use audio and video technologies or the parties refuse to mediate through audio and video, the time and venue for on-site mediation shall be determined.

In the course of an online mediation, if some of the parties concerned suggest that it is inappropriate to mediate through audio and video, the mediator may, upon consent by other parties, organize on-site mediation.

**Article 17** Prior to the commencement of an online mediation, the person presiding over the mediation shall verify the identity of the parties concerned and other participants in the mediation by means of online comparison of identity documents and photos, and inform them of the legal consequences of false mediation. For mediation before case filing, the mediator shall also guide the parties concerned to fill in the Confirmation of Address for Service and other relevant materials.

**Article 18** In the course of online mediation, the parties concerned may express their willingness and propose dispute resolution plans on their own in such forms as voice, text or video. Except for the undisputed facts confirmed jointly, the facts and evidence admitted by the parties concerned to make a compromise for a mediation agreement shall not be taken as the basis or evidence against such parties in the litigation, unless otherwise stipulated by law or agreed by the parties concerned.

**Article 19** Where a mediator organizes the parties concerned to reach an agreement on all or part of the mediation request, the mediator shall produce or upload the mediation agreement online, and the parties concerned and the mediator shall sign and seal the mediation agreement electronically. If a mediation agreement is reached under the guidance of a mediation organization, it shall also be affixed with the electronic seal of the mediation organization. If the mediation organization does not have an electronic seal, it may upload the mediation agreement with its seal to the mediation platform of the people’s court.

A mediation agreement shall come into force when all the parties concerned have affixed their signatures and seals thereon electronically, and shall be served on the parties concerned through the mediation platform of the people’s courts. Where there is a payment obligation in a mediation agreement, the parties concerned shall take the initiative to perform it according to the mediation agreement.

**Article 20** If the parties concerned reach a mediation agreement before case filing, the mediator shall make a record in the mediation record, close the case by mediation as an alternative to litigation, and guide the parties concerned to perform it voluntarily. If a mediation agreement may be applied for judicial confirmation according to the laws and judicial interpretations, the parties concerned may file the application online, and the people’s court shall rule that the mediation agreement is valid after reviewing the application and deciding that it complies with the provisions of the laws.

If the parties concerned reach a mediation agreement after the case filing, they may request the people’s court to produce mediation papers or apply for withdrawal of lawsuit. If the people’s court finds after reviewing that it complies with the provisions of the laws, it may produce a mediation document or ruling to close the case.

**Article 21** If no mediation agreement can be reached after online mediation, the mediation organization or mediator shall record the basic information of the mediation, the reason for failure of mediation, the act which has caused the increase in the litigation cost of other parties concerned and other information that needs to be highlighted to the people’s court. The people’s court shall handle it in accordance with the following circumstances:

(I) If the parties concerned have applied for online mediation before case filing, the mediation organization or mediator may suggest resolving the disputes through the online case filing or other channels; if the parties concerned choose to file the case online, the mediation organization or mediator shall push the electronic mediation materials to the people’s court online, and the people’s court shall file the case within the statutory period according to law;

(II) In the case of entrusted mediation before the case filing, the people’s court shall file the case according to law after the mediation fails; or

(III) In the case of entrusted mediation after the case filing, the people’s court shall resume the trial after the mediation fails.

In the case of online mediation organized by the judges during the process of litigation, the case shall be promptly tried after the mediation fails.

**Article 22** During the process of online mediation, the mediator shall synchronously prepare electronic transcripts and confirm the undisputed facts. With the explicit consent of both parties, the electronic transcripts may be replaced by audio and video recordings of mediation, but the undisputed facts shall be confirmed in writing.

After being verified and confirmed online, electronic transcripts shall have the same legal effect as written transcripts.

**Article 23** Where the people’s court, in the course of examining an application for judicial confirmation or issuing a mediation document, finds that the parties may infringe upon the legitimate rights and interests of others by taking acts of false mediation through malicious collusion, forged evidence, fabricated facts, fictitious legal relations or other means, it may require the parties concerned to provide relevant evidence. If the parties concerned fails to provide relevant evidence, the people’s court shall not confirm the validity of the mediation agreement or issue a mediation document.

If the mediation is considered false after examination, the *Civil Procedure Law of the People’s Republic of China* and other relevant laws and regulations shall apply. If it is suspected of a criminal offence, the clues and materials shall be promptly transferred to an organ with jurisdiction.

**Article 24** The online mediation period before case filing is 30 days. If the parties concerned agree to an extension, the time limit may not apply. For online mediation after case filing, the mediation period shall be 15 days if the ordinary procedure applies, and be seven days if the summary procedure applies. If all the parties concerned agree to an extension, the prescribed period may not apply. The mediation period extended after filing the case shall not be included in the trial period.

The period for mediation appointed, entrusted or applied for by the parties concerned shall be calculated from the date when the mediation organization or the mediator confirm acceptance of the entrustment or acceptance of the application of the parties concerned on the mediation platform of the people’s courts. If the judges chair the mediation, the period shall be calculated from the date of consent of all the parties concerned.

**Article 25** Under any of the following circumstances, the online mediation procedure shall be terminated:

(I) The parties concerned reach a mediation agreement;

(II) The parties concerned reach settlement on their own and withdraw the application for mediation;

(III) The parties concerned cannot be contacted within the mediation period;

(IV) One of the parties concerned explicitly expresses its unwillingness to continue the mediation;

(V) The parties concerned have major differences and it is difficult to reach a mediation agreement;

(VI) Upon expiry of the mediation period, no mediation agreement has been reached, and the parties concerned have not reached consensus on extending the mediation period;

(VII) One of the parties concerned refuses to sign and seal the mediation agreement; or

(VIII) Other circumstances which cause the mediation unable to be carried out.

**Article 26** If appraisal is required for mediation before case filing, the personnel of the people’s court, the mediation organization or the mediator may inform the parties concerned of the procedure for entrusted pre-litigation appraisal, and guide them to submit the application for entrusted pre-litigation appraisal through the electronic litigation platform or on site. The period for appraisal shall not be included in the mediation period.

If a pre-litigation appraisal conforms to the provisions of the law after examination by people’s court, it may be used as evidence.

**Article 27** The people’s courts at all levels shall be responsible for the administration of online mediation organizations and mediators at their own level, such as selection and confirmation, professional training, qualification authentication, settle-in guidance, authority setting and performance evaluation. Online mediation organizations and mediators appointed by the people’s courts at higher levels may be confirmed by the people’s courts at lower levels as their own online mediation organizations and mediators after obtaining their consent.

**Article 28** The people’s courts may establish specially invited mediation roster for specialized industries such as marriage and family, labor disputes, road traffic, financial consumption, securities and futures, intellectual property rights, maritime affairs and maritime commerce, international commercial affairs and disputes involving Hong Kong, Macao and Taiwan compatriots, and invite organizations and persons with relevant professional capabilities to join the roster in different professional fields.

The Supreme People’s Court shall establish a national specially invited mediation roster, inviting deputies to the National People’s Congress, members of the National Committee of the Chinese People’s Political Consultative Conference, well-known experts and scholars, mediation organizations with relatively high popularity and persons with strong mediation capabilities to participate in the mediation of cases with great influence, difficulty and complexity accepted by courts nationwide that are suitable for mediation.

High people’s courts and intermediate people’s courts may establish a regional roster for specially invited mediation for mediation of cases in courts within their jurisdictions.

**Article 29** Where an online mediation organization or a mediator commits any of the following acts in the mediation process, a party concerned may file a complaint with the people’s court which has made the invitation:

(I) Forced mediation;

(II) Refusing repeatedly to accept the appointment or entrustment by the people’s court or the mediation application by the parties concerned without justifications;

(III) Accepting requests or obtaining money or property from a party concerned;

(IV) Divulging the mediation process, content of the mediation agreement, national secrets, business secrets, personal privacy and other information inappropriate to be disclosed obtained during the mediation, unless otherwise provided by laws and administrative regulations; and

(V) Other acts in violation of mediation professional ethics that shall be dealt with.

If the act is verified, the people’s court shall dismiss the mediator and inform the competent department concerned depending on the circumstances.

**Article 30** The Rules shall come into force as of January 1, 2022. In case of any discrepancy between the Rules and the judicial interpretations previously promulgated by the Supreme People’s Court, the Rules shall prevail.