

[AS PASSED BY THE MAJLIS-E-SHOORA (PARLIAMENT)]

A

Bill

to provide for the establishment of a comprehensive regime in Pakistan for the swift and effective resolution of disputes relating to the export and import of goods and services including import and export through e-commerce

WHEREAS, it is essential, for the promotion of trade in Pakistan, protection of all trading interests and improvement of Pakistan's standing internationally, that there shall be established an effective dispute resolution regime for the swift, efficient and effective resolution of international trade disputes through negotiations, determinations, alternative dispute resolution mechanisms and referral of disputes to commercial benches;

WHEREAS, it is necessary that such dispute resolution regime should be comprehensive and flexible encompassing a full range of dispute resolution methods, cooperation and assistance from the relevant government bodies as well as consistent with internationally accepted standards; and that such a regime should be equipped with an exclusive supervisory and enforcement jurisdiction and a streamlined procedure to carry out the purposes of this Act;

AND WHEREAS, it is necessary to constitute a trade dispute resolution commission to perform and execute the functions outlined in this Act with the possibility of performing the same functions with regard to domestic trade disputes in the future, as may be prescribed at a later time.

It is hereby enacted as follows:-

PART I

Introduction and Scope

1. Short title, extent and commencement- (1) This Act shall be called the Trade Dispute Resolution Act, 2022.

(2) It shall extend to the whole of Pakistan.

(3) This Act shall come into force at once.

2. **Definitions.** - In this Act, unless there is anything repugnant in the subject or context,—

- (1) **“arbitration”** means any arbitration pursuant to section 48;
- (2) **“arbitration agreement”** means an agreement made by parties to submit to arbitration pursuant to section 48 in all or certain disputes which have arisen or may arise between them in respect of a defined legal relationship whether contractual or not;
- (3) **“arbitrator”** means a sole arbitrator or a panel of arbitrators;
- (4) **“black-listed party”** means a party which does not comply with the findings of TDRC given in its Final Determination and being declared black-listed by the Commission through an order;
- (5) **“commercial bench”** means a commercial bench of the High Court as constituted pursuant to section 51 or otherwise in existence;
- (6) **“Commission”** or **“TDRC”** means the Trade Dispute Resolution Commission constituted under this Act;
- (7) **“complaint”** means an application filed by a party with the Commission for the resolution of a trade dispute;
- (8) **“conciliation”** means a process, whether referred to by the expression conciliation, mediation or an expression of similar import, whereby parties request a third person or persons to assist them in their attempt to reach an amicable settlement of their dispute arising out of or relating to a contractual or other legal relationship. The conciliator does not have the authority to impose upon the parties a solution to the dispute;
- (9) **“conciliator”** means a sole conciliator or two or more conciliators as the case may be;
- (10) **“costs of arbitration”** means the cost of arbitration including, but not limited to, the fees and expenses of the arbitrator, the legal and other expenses of parties and any other expenses related to the arbitration;
- (11) **“Chairman”** means the Chairman of the Commission;