

Annex B

Summary of Codes of Conduct in FTAs

(Updated as of 8 May 2020, including new treaties and updated references)

Annex B provides excerpts from a variety of recent Codes of Conduct, and serves as background to the draft text proposed by the UNCITRAL & ICSID Secretariats on 1 May 2020.

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	<i>(Only applicable to Chapter 19 and 20)</i>	<i>(Annex 7 Code of Conduct for Members of The Tribunal, The Appeal Tribunal and Mediators) (FTA in force Nov. 21, 2019/ IA will enter in force when ratified by all EU MS)</i>	<i>(Annex B Code of Conduct of Arbitrators, Rules of Procedure of Arbitral Tribunals) (EPA in force Jan. 15, 2015)</i>	<i>(Annex 29-B (State-State)) (In force provisionally Sept. 21, 2017) (Code applicable to ISDS has not yet been published)</i>	<i>(Chapter 9, Section B, Code for ISDS) (In force Dec. 30, 2018)</i>	<i>(Annex 15-B (State-State)) (Draft)</i>	<i>(Annex 11 Code of Conduct for Members of The Tribunal, Members of The Appeal Tribunal and Mediators) (Draft)</i>	<i>(Annex 14-A Code of Conduct for Arbitrators) (CEPA ratified by Australia in Nov. 2019, and Indonesia in Feb. 2020)</i>
	<i>(Full text available here)</i>	<i>(Full text available here)</i>	<i>(Full text available here)</i>	<i>(Full text available here)</i>	<i>(Full text available here)</i>	<i>(Full text available here)</i>	<i>(Full text available here)</i>	<i>(Full text available here)</i>
Definitions /Scope	<p>A. In this Code of Conduct, "Agreement" means the North American Free Trade Agreement; "assistant" means a person who, under the terms of appointment of a member, conducts research or provides support for the member; "candidate" means</p> <p>(a) an individual whose name appears on a roster or list established under Article 1414, Annex 1901.2 or 1904.13 or Article 2009,</p> <p>(b) an individual who is under consideration for appointment as a member of a panel pursuant to Annex 1901.2 or Article 1903, 1904 or 2011, or</p> <p>(c) an individual who is under consideration for appointment as a member of a committee pursuant to Annex 1904.13 or Article 1905;</p> <p>"member" means</p> <p>(a) a member of a panel constituted pursuant to Annex 1901.2 or Article 1414, 1903, 1904, 2008 or 2011,</p> <p>(b) a member of an extraordinary challenge committee constituted pursuant to Annex 1904.13, or</p> <p>(c) a member of a special committee constituted pursuant to Article 1905;</p> <p>"participant" has the meaning assigned in the Rules of Procedure for Article 1904 Binational Panel Reviews;</p>	<p>1. In this Code of Conduct: "Member" means a Member of the Tribunal or a Member of the Appeal Tribunal established pursuant to Chapter Three (Dispute Settlement) Section A (Resolution of Disputes between Investors and Parties); "mediator" means a person who conducts mediation in accordance with Chapter Three (Dispute Settlement) Section A (Resolution of Disputes between Investors and Parties); "candidate" means an individual who is under consideration for selection as a Member; "assistant" means a person who, under the terms of appointment of a Member, conducts research or provides assistance to the Member; "staff", in respect of a Member, means persons under the direction and control of the Member, other than assistants.</p>	<p>I. Scope</p> <p>1. This Code of Conduct shall apply to each person serving as an arbitrator, arbitrator's assistant or administration personnel involved in the proceedings of an arbitral tribunal (hereinafter referred to as "covered person") established under Article 19.6 (Establishment and Composition of Arbitral Tribunals) of the Agreement.</p> <p>2. Each arbitrator shall take all reasonable measures to ensure that his or her assistants or administration personnel comply with Parts IV to VII of this Code of Conduct. The Parties may agree to exempt any covered person, other than an arbitrator, from application of a part or all of this Code of Conduct.</p> <p>II. Governing Principle</p> <p>Each arbitrator shall be independent and impartial, and shall avoid direct or indirect conflicts of interest. Furthermore, each arbitrator and former arbitrator shall respect the confidentiality of proceedings of the arbitral tribunal. Through the observance of such standards of conduct the integrity and impartiality of dispute settlement proceedings conducted pursuant to Chapter 19 (Dispute Settlement) of the Agreement are preserved.</p>	<p>Definitions</p> <p>1. For this Chapter and under this Code of Conduct: assistant means a person who, under the terms of appointment of an arbitrator, conducts, researches or provides assistance to the arbitrator; candidate means an individual whose name is on the list of arbitrators referred to in Article 29.8 and who is under consideration for selection as an arbitrator under Article 29.7; mediator means a person who conducts a mediation in accordance with Article 29.5; arbitrator means a member of an arbitration panel established under Article 29.7; proceeding, unless otherwise specified, means an arbitration proceeding; staff, in respect of an arbitrator, means persons under the direction and control of the arbitrator, other than assistants.</p>	<p>Definitions</p> <p>1. For the purposes of this Code of Conduct: arbitrator means a member of a tribunal constituted pursuant to Article 9.22 (Selection of Arbitrators); assistant means a person who, under the terms of appointment of an arbitrator, conducts research or provides support for the arbitrator; candidate means an individual who is under consideration for selection as an arbitrator pursuant to Article 9.22 (Selection of Arbitrators); expert means a person appointed pursuant to Article 9.27 (Expert Reports) or applicable arbitration rules; family member means the spouse of an arbitrator or candidate; or a parent, child, grandparent, grandchild, sister, brother, aunt, uncle, niece or nephew of the arbitrator or candidate or spouse of the arbitrator or candidate (including whole and half blood relatives and step relatives); or the spouse of such an individual. Family member also includes any resident of an arbitrator's or candidate's household whom the arbitrator or candidate treats as a member of his or her family; Rules means applicable rules pursuant to Article 9.19.4 (Submission of a Claim to</p>	<p>Definitions</p> <p>1. For the purposes of this Code of Conduct:</p> <p>(a) "arbitrator" means a member of an arbitration panel established under Article 15.7 (Establishment of the Arbitration Panel);</p> <p>(b) "assistant" means a person who, under the terms of appointment of an arbitrator, conducts research or provides assistance to that arbitrator;</p> <p>(c) "candidate" means an individual whose name is on the list of arbitrators referred to in Article 15.23 (List of Arbitrators) and who is under consideration for selection as a member of an arbitration panel under Article 15.7 (Establishment of the Arbitration Panel);</p> <p>(d) "mediator" means a person who conducts a mediation procedure in accordance with Annex 15-C (Mediation Mechanism);</p> <p>(e) "proceedings", unless otherwise specified, means dispute settlement proceedings of an arbitration panel under Chapter 15 (Dispute Settlement); and</p> <p>(f) "staff", in respect of an arbitrator, means a person under the direction and control of the arbitrator, other than assistants.</p>	<p>ARTICLE 1</p> <p>Definitions</p> <p>For the purposes of this Code of Conduct:</p> <p>(a) "Member" means a Member of the Tribunal or a Member of the Appeal Tribunal established pursuant to Section B (Resolution of Disputes between Investors and Parties);</p> <p>(b) "mediator" means a person who conducts the mediation procedure in accordance with Article 3.31 (Mediation) and Annex 10 (Mediation Mechanism for Disputes between Investors and Parties);</p> <p>(c) "candidate" means an individual who is under consideration for selection as a Member of the Tribunal or a Member of the Appeal Tribunal;</p> <p>(d) "assistant" means a person who, under the terms of appointment of a member, assists the member in his research or supports him in his duties;</p> <p>(e) "staff", in respect of a member, means persons under the direction and control of the member, other than assistants.</p>	

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	<p>"Party" means a Party to the Agreement; "proceeding", unless otherwise specified, means (a) a panel review under Article 1903 or 1904, (b) an extraordinary challenge proceeding under Annex 1904.13, (c) a special committee proceeding under Article 1905, (d) a panel proceeding under Chapter 20, or (e) a proceeding in a dispute arising under Chapter 11 or 14 to which Chapter 20 applies; "Secretariat" means the Secretariat established pursuant to Article 2002; and "staff", in respect of a member, means persons under the direction and control of the member, other than assistants. B. Any reference made in this Code of Conduct to an Article, Annex or Chapter is a reference to the appropriate Article, Annex or Chapter of the Agreement.</p>				<p>Arbitration); and staff, in respect of an arbitrator, means individuals under the direction and control of the arbitrator other than assistants.</p>			
Responsibilities during proceeding	<p>Every candidate, member and former member shall avoid impropriety and the appearance of impropriety and shall observe high standards of conduct so that the integrity and impartiality of the dispute settlement process is preserved.</p>	<p>2. Every candidate and Member shall avoid impropriety and the appearance of impropriety, shall be independent and impartial, shall avoid direct and indirect conflicts of interests and shall observe high standards of conduct so that the integrity and impartiality of the dispute settlement mechanism is preserved. Members shall not take instructions from any organisation or government with regard to matters before the Tribunal or the Appeal Tribunal. Former Members must comply with the obligations established in paragraphs 15 through 21 of this Code of Conduct.</p>	<p>III. Observance of the Governing Principle To ensure the observance of the Governing Principle of this Code of Conduct, each arbitrator is expected: (a) to adhere strictly to the provisions of Chapter 19 (Dispute Settlement) of the Agreement and the Rules of Procedure; (b) to maintain confidentiality; (c) to disclose the existence or development of any interest, relationship or matter that the arbitrator could reasonably be expected to know and that is likely to affect, or give rise to justifiable doubts as to, that arbitrator's independence or impartiality; and</p>	<p>Responsibilities of candidates and arbitrators 2. Every candidate and arbitrator shall avoid impropriety and the appearance of impropriety, shall be independent and impartial, shall avoid direct and indirect conflicts of interests and shall observe high standards of conduct so that the integrity and impartiality of the dispute settlement mechanism is preserved. Former arbitrators must comply with the obligations established in paragraphs 16 through 19.</p>	<p>2. Responsibilities to the Process Each candidate, arbitrator and former arbitrator shall avoid impropriety and the appearance of impropriety and shall observe high standards of conduct so that the integrity and impartiality of the dispute settlement process is preserved.</p>	<p>Responsibilities 2. Every candidate and arbitrator shall avoid impropriety and the appearance of impropriety, be independent and impartial, avoid direct and indirect conflicts of interests and observe high standards of conduct so that the integrity and impartiality of the dispute settlement mechanism is preserved. Former arbitrators shall comply with the obligations set out in rules 15 to 18 of this Code of Conduct.</p>	<p>ARTICLE 2 Responsibilities to the Process Every candidate and every Member shall avoid impropriety and the appearance of impropriety, shall be independent and impartial and shall avoid direct and indirect conflicts of interest.</p>	<p>Responsibilities to the Process 1. Every arbitrator shall avoid impropriety and the appearance of impropriety, be independent and impartial, avoid direct and indirect conflicts of interests and observe high standards of conduct so that the integrity and impartiality of the dispute settlement process is preserved. Former arbitrators shall comply with the obligations in paragraphs 16, 17, 18 and 19.</p>

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			<i>(d) to take due care in the performance of his or her duties to fulfil these expectations, including through avoidance of any direct or indirect conflicts of interest in respect of the subject matter of the proceedings.</i>					
Disclosure	<i>[Introductory Note: The governing principle of this Code of Conduct is that a candidate or member must disclose the existence of any interest, relationship or matter that is likely to affect the candidate's or member's independence or impartiality or that might reasonably create an appearance of impropriety or an apprehension of bias. An appearance of impropriety or an apprehension of bias is created where a reasonable person, with knowledge of all the relevant circumstances that a reasonable inquiry would disclose, would conclude that a candidate's or member's ability to carry out the duties with integrity, impartiality and competence is impaired. These disclosure obligations, however, should not be interpreted so that the burden of detailed disclosure makes it impractical for persons in the legal or business community to serve as members, thereby depriving the Parties and participants of the services of those who might be best qualified to serve as members. Thus, candidates and members should not be called upon to disclose interests, relationships or matters whose bearing on their role in the proceeding would be trivial. Throughout the proceeding, candidates and members have a continuing obligation to disclose</i>	<i>3. Prior to his or her appointment as a Member, a candidate shall disclose to the Parties any past or present interest, relationship or matter that is likely to affect his or her independence or impartiality or that might reasonably create an appearance of impropriety or bias. To this end, a candidate shall make all reasonable efforts to become aware of any such interests, relationships and matters. 4. A Member shall communicate matters concerning actual or potential violations of this Code of Conduct to the disputing parties and the non-disputing Party. 5. Members shall at all times continue to make all reasonable efforts to become aware of any interests, relationships or matters referred to in paragraph 3 of this Code of Conduct and shall disclose them. The disclosure obligation is a continuing duty which requires a Member to disclose any such interests, relationships or matters that may arise during any stage of the proceeding at the earliest time the Member becomes aware of it. The Member shall disclose such interests, relationships or matters by informing the disputing parties and the non-disputing Party, in writing, for their consideration.</i>	<i>IV. Obligation of Self-Disclosure 1. Each person requested to serve as an arbitrator, at the time of the request, shall receive a copy of this Code of Conduct from the requesting Party. Any such person, prior to confirmation of his or her appointment, shall disclose in writing to the requesting Party any information relevant to the matter under dispute, such as: (a) financial interests (e.g. investments, loans, shares, interests, other debts), business interests (e.g. directorship or other contractual interests) and property interests relevant to the dispute in question; (b) professional interests relevant to the dispute in question (e.g. any interests the person may have in domestic or international proceedings, and their implications, where these involve issues similar to those addressed in the dispute in question); (c) other active interests relevant to the dispute in question (e.g. active participation in public interest groups or other organisations which may have a declared agenda relevant to the dispute in question); (d) considered statements of personal opinion on issues relevant to the dispute in question (e.g. publications, public statements); and (e) employment or family interests relevant to the dispute</i>	<i>Disclosure obligations 3. Prior to confirmation of her or his selection as an arbitrator under this Chapter, a candidate shall disclose any interest, relationship or matter that is likely to affect her or his independence or impartiality or that might reasonably create an appearance of impropriety or bias in the proceeding. To this end, a candidate shall make all reasonable efforts to become aware of such interests, relationships and matters. 4. Without limiting the generality of the foregoing, candidates shall disclose the following interests, relationships and matters: (1) any financial interest of the candidate: (a) in the proceeding or in its outcome, and (b) in an administrative proceeding or another panel or committee proceeding that involves issues that may be decided in the proceeding for which the candidate is under consideration; (2) any financial interest of the candidate's employer, partner, business associate or family member: (a) in the proceeding or in its outcome, and (b) in an administrative proceeding or another panel or committee proceeding that involves issues that may be</i>	<i>3. Governing Principles (a) Each arbitrator shall be independent and impartial, and shall avoid direct or indirect conflicts of interest. (b) Each arbitrator and former arbitrator shall respect the confidentiality of tribunal proceedings. (c) Each candidate or arbitrator shall disclose the existence of any interest, relationship or matter that is likely to affect the candidate's or arbitrator's independence or impartiality or that might reasonably create an appearance of impropriety or an apprehension of bias. An appearance of impropriety or an apprehension of bias is created when a reasonable person, with knowledge of all the relevant circumstances that a reasonable inquiry would disclose, would conclude that a candidate's or arbitrator's ability to carry out the duties with integrity, impartiality and competence is impaired. (d) Upon selection, an arbitrator shall refrain, for the duration of the proceeding, from acting as counsel or party-appointed expert or witness in any pending or new investment dispute under the Comprehensive and Progressive Agreement for Trans-Pacific Partnership or any other international agreement. (e) An arbitrator shall comply with internationally recognised standards or guidelines</i>	<i>Disclosure Obligations 3. Prior to the appointment as an arbitrator under Chapter 15 (Dispute Settlement), a candidate shall disclose any interests, relationships, or matters, that are likely to affect that candidate's independence or impartiality, or that might reasonably create an appearance of impropriety or bias in the proceedings. To that end, a candidate shall make all reasonable efforts to become aware of any such interests, relationships or matters. 4. A candidate or arbitrator shall communicate, in writing, matters concerning actual or potential violations of this Code of Conduct to the Trade Committee for consideration by the Parties. 5. Once appointed, an arbitrator shall continue to make all reasonable efforts to become aware of any interests, relationships or matters referred to in rule 3 of this Code of Conduct and shall disclose them by informing the Trade Committee, in writing, for consideration by the Parties. The disclosure obligation is a continuing duty which requires an arbitrator to disclose any such interests, relationships or matters that may arise during any stage of the proceedings.</i>	<i>ARTICLE 3 Disclosure Obligations 1. Prior to their appointment, candidates shall disclose to the Parties any past and present interest, relationship or matter that is likely to affect their independence or impartiality or that might reasonably create an appearance of impropriety or bias. To that end, a candidate shall make all reasonable efforts to become aware of any such interest, relationship or matter. 2. Members shall communicate matters concerning actual or potential violations of this Code of Conduct in writing to the disputing parties Members shall at all times continue to make all efforts to become aware of any interest, relationship or matter referred to in paragraph 1. Members shall disclose such interests, relationships or matters to the disputing parties. [FN n. 1: For greater certainty, this obligation does not extend to information which is already in the public domain or was known, or should have reasonably been known, by all disputing parties.]</i>	<i>Disclosure Obligations 2. Prior to confirmation of his or her selection as an arbitrator under this Agreement, a candidate shall disclose any interest, relationship or matter that is likely to affect his or her independence or impartiality or that might reasonably create an appearance of impropriety or bias in the proceeding. To this end, a candidate shall make all reasonable efforts to become aware of any such interests, relationships and matters. 3. Once selected, an arbitrator shall continue to make all reasonable efforts to become aware of any interests, relationships and matters referred to in paragraph 2 and shall disclose them by communicating them in writing to the disputing parties. The obligation to disclose is a continuing duty, which requires an arbitrator to disclose any such interests, relationships and matters that may arise during any stage of the proceeding.</i>

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	<p>interests, relationships and matters that may bear on the integrity or impartiality of the dispute settlement process. This Code of Conduct does not determine whether or under what circumstances the Parties will disqualify a candidate or member from being appointed to, or serving as a member of, a panel or committee on the basis of disclosures made.]</p> <p>A. A candidate shall disclose any interest, relationship or matter that is likely to affect the candidate's independence or impartiality or that might reasonably create an appearance of impropriety or an apprehension of bias in the proceeding. To this end, a candidate shall make all reasonable efforts to become aware of any such interests, relationships and matters. The candidate shall disclose such interests, relationships and matters by completing an Initial Disclosure Statement provided by the Secretariat and sending it to the Secretariat.</p> <p>Without limiting the generality of the foregoing, candidates shall disclose the following interests, relationships and matters:</p> <p>(1) any financial interest of the candidate</p> <p>(a) in the proceeding or in its outcome, and</p> <p>(b) in an administrative proceeding, a domestic court proceeding or another panel or committee proceeding that involves issues that may be decided in the proceeding for which the candidate is under consideration;</p>		<p>in question (e.g. the possibility of any indirect advantage or any likelihood of pressure which could arise from their employer, business associates or immediate family members).</p> <p>2. The obligation of self-disclosure referred to in paragraph 1 shall also apply to the arbitrator after the confirmation of his or her appointment and throughout the proceedings. During the course of proceedings, the arbitrator shall disclose in writing to the Parties any information relevant to paragraph 1 when he or she becomes aware of it.</p> <p>3. In meeting these disclosure requirements, personal privacy shall be respected. The application of these disclosure requirements shall not be so administratively burdensome as to make it impracticable for otherwise qualified persons to serve as arbitrators.</p>	<p>decided in the proceeding for which the candidate is under consideration;</p> <p>(3) any past or existing financial, business, professional, family or social relationship with the interested parties in the proceeding, or their counsel, or such relationship involving a candidate's employer, partner, business associate or family member; and</p> <p>(4) public advocacy or legal or other representation concerning an issue in dispute in the proceeding or involving the same matters.</p> <p>5. A candidate or arbitrator shall communicate matters concerning actual or potential violations of this Code of Conduct to the CETA Joint Committee for consideration by the Parties.</p> <p>6. Once selected, an arbitrator shall continue to make all reasonable efforts to become aware of interests, relationships or matters referred to in paragraph 3 and shall disclose them. The disclosure obligation is a continuing duty which requires an arbitrator to disclose such interests, relationships or matters that may arise during all stages of the proceeding. The arbitrator shall disclose such interests, relationships or matters by informing the CETA Joint Committee promptly, in writing, for consideration by the Parties.</p>	<p>regarding direct or indirect conflicts of interest, such as the International Bar Association Guidelines on Conflicts of Interest in International Arbitration.</p> <p>(f) In the event of an alleged breach of this Code of Conduct, the Rules governing the arbitration shall apply to any challenge, disqualification or replacement of an arbitrator.</p> <p>4. Disclosure Obligations</p> <p>(a) Throughout the tribunal proceeding, candidates and arbitrators have a continuing obligation to disclose interests, relationships and matters that may bear on the integrity or impartiality of the dispute settlement process.</p> <p>(b) The disputing parties or the Secretary-General, as the appointing authority for an arbitration referred to in Article 9.22.2 (Selection of Arbitrators), will provide a candidate a copy of this Code of Conduct and the Initial Disclosure Statement set out in the Appendix to this Code of Conduct.</p> <p>(c) A candidate shall submit the Initial Disclosure Statement set out in the Appendix to this Code of Conduct to the disputing parties or the Secretary-General, as the appointing authority, no later than seven days after receipt of that Statement.</p> <p>[FN 1: This subparagraph does not prevent the appointment of arbitrators by the disputing parties prior to the submission of the Initial Disclosure Statement.]</p> <p>[FN 2: For greater certainty, the submission of the Initial Disclosure Statement is without</p>			

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	<p><i>(2) any financial interest of the candidate's employer, partner, business associate or family member</i></p> <p><i>(a) in the proceeding or in its outcome, and</i></p> <p><i>(b) in an administrative proceeding, a domestic court proceeding or another panel or committee proceeding that involves issues that may be decided in the proceeding for which the candidate is under consideration;</i></p> <p><i>(3) any past or existing financial, business, professional, family or social relationship with any interested parties in the proceeding, or their counsel, or any such relationship involving a candidate's employer, partner, business associate or family member; and</i></p> <p><i>(4) public advocacy or legal or other representation concerning an issue in dispute in the proceeding or involving the same goods.</i></p> <p><i>B. A member in an Article 1904 proceeding shall, after receiving the complaint, disclose any interests, advocacy or representation referred to in paragraph A(1)(b) or (2)(b) or subsection (4) by completing a Supplementary Disclosure Statement provided by the Secretariat and sending it to the Secretariat for consideration by the appropriate Parties.</i></p> <p><i>C. Once appointed, a member shall continue to make all reasonable efforts to become aware of any interests, relationships or matters referred to in section A and shall disclose them. The obligation to disclose is a continuing duty which requires a member to disclose</i></p>				<p><i>prejudice to any further disclosure required pursuant to the Rules.]</i></p> <p><i>(d) A candidate shall disclose any interest, relationship or matter that is likely to affect his or her independence or impartiality or that might reasonably create an appearance of impropriety or an apprehension of bias in the tribunal proceeding. To this end, a candidate shall make all reasonable efforts to become aware of any such interests, relationships and matters. Therefore, a candidate shall disclose, at a minimum, the following interests, relationships and matters: (i) any financial or personal interest of the candidate in:</i></p> <p><i>(A) the tribunal proceeding or its outcome; and</i></p> <p><i>(B) an administrative proceeding, a domestic judicial proceeding or another international dispute settlement proceeding that involves issues that may be decided in the tribunal proceeding for which the candidate is under consideration;</i></p> <p><i>(ii) any financial interest of the candidate's employer, business partner, business associate or family member in:</i></p> <p><i>(A) the tribunal proceeding or its outcome; and</i></p> <p><i>(B) an administrative proceeding, a domestic judicial proceeding or another international dispute settlement proceeding that involves issues that may be decided in the tribunal proceeding for which the candidate is under consideration;</i></p> <p><i>(iii) any past or current financial, business, professional, family or</i></p>			

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	<p><i>any such interests, relationships and matters that may arise during any stage of the proceeding.</i></p> <p><i>The member shall disclose such interests, relationships and matters by communicating them in writing to the Secretariat for consideration by the appropriate Parties.</i></p>				<p><i>social relationship with any interested parties in the tribunal proceeding, or their counsel, or any such relationship involving a candidate's employer, business partner, business associate or family member; and</i></p> <p><i>[FN: For greater certainty, "interested parties" may include the home country of the investor.]</i></p> <p><i>(iv) public advocacy or legal or other representation concerning an issue in dispute in the tribunal proceeding or involving the same investment.</i></p> <p><i>(e) Once appointed, an arbitrator shall continue to make all reasonable efforts to become aware of any interests, relationships or matters referred to in subparagraph (d) and shall disclose them. The obligation to disclose is a continuing duty that requires an arbitrator to disclose any such interests, relationships and matters that may arise during any stage of the tribunal proceeding.</i></p> <p><i>(f) In the event of any uncertainty regarding whether an interest, relationship or matter must be disclosed under subparagraph (d) or subparagraph (e), a candidate or arbitrator should err in favour of disclosure. Disclosure of an interest, relationship or matter is without prejudice as to whether the interest, relationship or matter is covered by subparagraph (d) or subparagraph (e), or whether it warrants recusal, amelioration or disqualification.</i></p> <p><i>(g) The disclosure obligations set out in subparagraphs (a) through (f) should not be interpreted so that the burden of detailed disclosure makes it impractical</i></p>			

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	<i>(Full text available here)</i>	<i>(Full text available here)</i>	<i>(Full text available here)</i>	<i>(Full text available here)</i>	<i>(Full text available here)</i>	<i>(Full text available here)</i>	<i>(Full text available here)</i>	<i>(Full text available here)</i>
					<i>for individuals in the legal or business community to serve as arbitrators, thereby depriving the disputing parties of the services of those who might be best qualified to serve as arbitrators. Thus, candidates and arbitrators should not be called upon to disclose interests, relationships or matters whose bearing on their role in the tribunal proceeding would be trivial.</i>			
Duties	<p><i>Part III: The Performance of Duties by Candidates and Members</i></p> <p><i>A. A candidate who accepts an appointment as a member shall be available to perform, and shall perform, a member's duties thoroughly and expeditiously throughout the course of the proceeding.</i></p> <p><i>B. A member shall ensure that the Secretariat can, at all reasonable times, contact the member in order to conduct panel or committee business.</i></p> <p><i>C. A member shall carry out all duties fairly and diligently.</i></p> <p><i>D. A member shall comply with the provisions of Chapter 19 or 20 and the applicable rules.</i></p> <p><i>E. A member shall not deny other members the opportunity to participate in all aspects of the proceeding.</i></p> <p><i>F. A member shall consider only those issues raised in the proceeding and necessary to a decision and shall not delegate the duty to decide to any other</i></p>	<p><i>6. A Member shall perform his or her duties thoroughly and expeditiously throughout the course of the proceeding and with fairness and diligence.</i></p> <p><i>7. A Member shall consider only those issues raised in the proceeding and necessary for a ruling and shall not delegate this duty to any other person.</i></p> <p><i>8. A Member shall take all appropriate steps to ensure that his or her assistants and staff are aware of, and comply with paragraphs 2, 3, 4, 5, 19, 20 and 21 of this Code of Conduct.</i></p> <p><i>9. A Member shall not engage in ex parte contacts concerning the proceeding.</i></p>	<p><i>V. Performance of Duties</i></p> <p><i>1. In performing his or her duties, each arbitrator shall recognise that prompt settlement of disputes is essential to the effective functioning of the Agreement.</i></p> <p><i>2. An arbitrator shall carry out all duties fairly and diligently.</i></p> <p><i>3. To ensure transparency and impartiality, no arbitrator may discuss any aspect of the subject matter referred to the arbitral tribunal, in the absence of either Party or in the absence of the other arbitrators.</i></p> <p><i>4. An arbitrator shall consider only those issues raised in the proceeding and necessary to a decision and shall not delegate the duty to decide to any other person, except as provided in the Rules of Procedure.</i></p> <p><i>5. An arbitrator shall not communicate matters concerning actual or potential violations of this Code of Conduct unless the communication is to both Parties or is necessary to ascertain whether that arbitrator has violated or may violate this Code of Conduct.</i></p>	<p><i>Duties of arbitrators</i></p> <p><i>7. Upon selection an arbitrator shall be available to perform and shall perform her or his duties thoroughly and expeditiously throughout the course of the proceeding, and with fairness and diligence.</i></p> <p><i>8. An arbitrator shall consider only those issues raised in the proceeding and necessary for a ruling and shall not delegate this duty to any other person.</i></p> <p><i>9. An arbitrator shall take all appropriate steps to ensure that her or his assistant and staff are aware of, and comply with, paragraphs 2 through 6, and 17 through 19.</i></p> <p><i>10. An arbitrator shall not engage in ex parte contacts concerning the proceeding.</i></p>	<p><i>5. Performance of Duties by Candidates and Arbitrators</i></p> <p><i>(a) A candidate who accepts an appointment as an arbitrator shall be available to perform, and shall perform, once the arbitrator is appointed pursuant to Article 9.22 (Selection of Arbitrators), an arbitrator's duties thoroughly, fairly, diligently and expeditiously throughout the course of the tribunal proceeding.</i></p> <p><i>(b) An arbitrator shall ensure that he or she is contactable, at all reasonable times, by the Secretary-General, disputing parties, arbitration institution in charge of the proceeding and other arbitrators of the tribunal in order to conduct tribunal work.</i></p> <p><i>(c) An arbitrator shall comply with the provisions of Chapter 9 Section B (Investor-State Dispute Settlement) and the Rules.</i></p> <p><i>(d) An arbitrator shall not deny other arbitrators the opportunity to participate in all aspects of the tribunal proceeding.</i></p> <p><i>(e) An arbitrator shall consider only those issues raised in the tribunal proceeding and necessary to make a decision, order or award.</i></p>	<p><i>Duties of Arbitrators</i></p> <p><i>6. An arbitrator shall be available to perform, and shall perform his duties thoroughly, expeditiously, and with fairness and diligence, throughout the course of the proceedings.</i></p> <p><i>7. An arbitrator shall consider only those issues raised in the proceedings and necessary for a ruling and shall not delegate this duty to any other person.</i></p> <p><i>8. An arbitrator shall take all appropriate steps to ensure that his assistant and staff are aware of, and comply with, rules 2, 3, 4, 5, 16, 17 and 18 of this Code of Conduct.</i></p> <p><i>9. An arbitrator shall not engage in ex parte contacts concerning the proceedings.</i></p>	<p><i>ARTICLE 4</i></p> <p><i>Duties of Members</i></p> <p><i>1. Members shall perform their duties thoroughly and expeditiously throughout the course of the proceedings and shall do so with fairness and diligence.</i></p> <p><i>2. Members shall consider only those issues raised in the proceedings which are necessary for a ruling and shall not delegate this duty to any other person.</i></p> <p><i>3. Members shall take all appropriate steps to ensure that their assistants and staff are aware of, and comply with, Articles 2, 3, 5 and 7 of this Code of Conduct.</i></p> <p><i>4. Members shall not discuss any aspect of the subject matter of the proceedings with a disputing party or the disputing parties in the absence of the other members of the division of the Tribunal or the Appeal Tribunal.</i></p>	<p><i>Performance of Duties by Arbitrators</i></p> <p><i>4. An arbitrator shall comply with the provisions of this Chapter and the applicable rules of procedure.</i></p> <p><i>5. On selection, an arbitrator shall perform his or her duties thoroughly and expeditiously throughout the course of the proceeding with fairness and diligence.</i></p> <p><i>6. An arbitrator shall not deny other arbitrators the opportunity to participate in all aspects of the proceeding.</i></p> <p><i>7. An arbitrator shall consider only those issues raised in the proceeding and necessary to rendering a decision and shall not delegate the duty to decide to any other person.</i></p> <p><i>8. An arbitrator shall take all appropriate steps to ensure that his or her assistant and staff are aware of, and comply with, paragraphs 1, 2, 3, 18, 19 and 20.</i></p> <p><i>9. An arbitrator shall not engage in ex parte contacts concerning the proceeding.</i></p> <p><i>10. An arbitrator shall not communicate matters concerning actual or potential violations by another arbitrator unless the communication is to</i></p>

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	<p>person, except as provided in the applicable rules.</p> <p>G. A member shall take all reasonable steps to ensure that the member's assistant and staff comply with Parts I, II and VI of this Code of Conduct.</p> <p>H. A member shall not engage in ex parte contacts concerning the proceeding.</p> <p>I. A candidate or member shall not communicate matters concerning actual or potential violations of this Code of Conduct unless the communication is to the Secretariat or is necessary to ascertain whether that candidate or member has violated or may violate the Code.</p>				<p>(f) An arbitrator shall not delegate the duty to make a decision, order or award to any other individual.</p> <p>(g) An arbitrator shall take all reasonable steps to ensure that his or her assistants and staff comply with paragraphs 2 (Responsibilities to the Process), 4(a), 4(d), 4(e), 4(f) and 4(g) (Disclosure Obligations), 5(c), 5(h) and 5(i) (Performance of Duties by Candidates and Arbitrators), and 8 (Maintenance of Confidentiality) of this Code of Conduct.</p> <p>(h) An arbitrator shall not engage in any ex parte contact concerning the tribunal proceeding.</p> <p>(i) A candidate or arbitrator shall only communicate matters concerning actual or potential violations of this Code of Conduct to the Secretary-General, disputing parties and arbitration institution in charge of the proceedings, or if necessary to ascertain whether that candidate or arbitrator has violated or may violate this Code of Conduct, to the Secretary-General, the disputing parties, and arbitration institution in charge of the proceedings.</p> <p>(j) Each arbitrator shall keep a record and render a final account of the time devoted to the proceeding and of his or her expenses, as well as the time and expenses of his or her staff and assistants.</p>			<p>both disputing parties or is necessary to ascertain whether that arbitrator has violated or may violate this Annex.</p>
Independence and Impartiality	<p>Part IV: Independence and Impartiality of Members</p> <p>A. A member shall be independent and impartial. A member shall act in a fair manner and shall avoid creating</p>	<p>10. A Member must be independent and impartial and avoid creating an appearance of bias or impropriety and shall not be influenced by self-interest, outside pressure, political</p>	<p>VI. Independence and Impartiality of Arbitrators</p> <p>1. An arbitrator shall be independent and impartial. An arbitrator shall not allow past or existing financial, business, professional, family or social</p>	<p>Independence and impartiality of arbitrators</p> <p>11. An arbitrator shall avoid creating an appearance of bias and shall not be influenced by self-interest, outside pressure, political considerations, public</p>	<p>6. Independence and Impartiality of Arbitrators</p> <p>(a) An arbitrator shall be independent and impartial. An arbitrator shall act in a fair manner and shall not create an appearance of impropriety or an</p>	<p>Independence and Impartiality of Arbitrators</p> <p>10. An arbitrator shall avoid creating an appearance of bias and shall not be influenced by self-interest, outside pressure, political considerations, public</p>	<p>ARTICLE 5 Independence and Impartiality of Members</p> <p>1. Members shall be independent and impartial and avoid creating an appearance of bias or</p>	<p>Independence and Impartiality of Arbitrators</p> <p>11. An arbitrator shall be independent and impartial. An arbitrator shall act in a fair manner and shall avoid creating</p>

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	<p><i>an appearance of impropriety or an apprehension of bias.</i></p> <p><i>B. A member shall not be influenced by self-interest, outside pressure, political considerations, public clamour, loyalty to a Party or fear of criticism.</i></p> <p><i>C. A member shall not, directly or indirectly, incur any obligation or accept any benefit that would in any way interfere, or appear to interfere, with the proper performance of the member's duties.</i></p> <p><i>D. A member shall not use the member's position on the panel or committee to advance any personal or private interests. A member shall avoid actions that may create the impression that others are in a special position to influence the member. A member shall make every effort to prevent or discourage others from representing themselves as being in such a position.</i></p> <p><i>E. A member shall not allow past or existing financial, business, professional, family or social relationships or responsibilities to influence the member's conduct or judgment.</i></p> <p><i>F. A member shall avoid entering into any relationship, or acquiring any financial interest, that is likely to affect the member's impartiality or that might reasonably create an appearance of impropriety or an apprehension of bias.</i></p>	<p><i>considerations, public clamour, loyalty to a disputing party or a non-disputing Party or fear of criticism.</i></p> <p><i>11. A Member shall not, directly or indirectly, incur any obligation or accept any benefit that would in any way interfere or appear to interfere, with the proper performance of his or her duties.</i></p> <p><i>12. A Member may not use his or her position on the Tribunal to advance any personal or private interests and shall avoid actions that may create the impression that others are in a special position to influence him or her.</i></p> <p><i>13. A Member may not allow financial, business, professional, family or social relationships or responsibilities to influence his or her conduct or judgement.</i></p> <p><i>14. A Member must avoid entering into any relationship or acquiring any financial interest that is likely to affect him or her impartiality or that might reasonably create an appearance of impropriety or bias.</i></p>	<p><i>relationships or responsibilities to influence his or her conduct or judgment, and shall not be influenced by self-interest, outside pressure, political considerations and loyalty to a Party or fear of criticism.</i></p> <p><i>2. An arbitrator shall avoid entering into any relationship or acquiring any financial interests that are likely to affect the arbitrator's impartiality or that might reasonably create an appearance of impropriety or an apprehension of bias.</i></p> <p><i>3. An arbitrator shall not accept any benefit that would in any way affect, or appear to affect, the arbitrator's duties.</i></p> <p><i>4. An arbitrator shall not use the arbitrator's position on the arbitral tribunal to advance any personal or private interests. An arbitrator shall avoid actions that may create the impression that others are in a special position to influence the arbitrator. An arbitrator shall make every effort to prevent or discourage others from representing themselves as being in such position.</i></p>	<p><i>clamour, loyalty to a Party, or fear of criticism.</i></p> <p><i>12. An arbitrator shall not, directly or indirectly, incur any obligation or accept any benefit that would in any way interfere, or appear to interfere, with the proper performance of her or his duties.</i></p> <p><i>13. An arbitrator may not use her or his position on the arbitration panel to advance any personal or private interests and shall avoid actions that may create the impression that others are in a special position to influence her or him.</i></p> <p><i>14. An arbitrator may not allow financial, business, professional, family or social relationships or responsibilities to influence her or his conduct or judgement.</i></p> <p><i>15. An arbitrator must avoid entering into any relationship or acquiring any financial interest that is likely to affect her or his impartiality or that might reasonably create an appearance of impropriety or bias.</i></p>	<p><i>apprehension of bias.</i></p> <p><i>(b) An arbitrator shall not be influenced by self-interest, outside pressure, political considerations, public clamour, loyalty to a disputing party or a non-disputing Party or fear of criticism.</i></p> <p><i>(c) An arbitrator shall not, directly or indirectly, incur any obligation or accept any benefit that would in any way interfere, or appear to interfere, with the proper performance of his or her duties.</i></p> <p><i>(d) An arbitrator shall not use his or her position on the tribunal to advance any personal or private interests. An arbitrator shall avoid actions that may create the impression that others are in a special position to influence the arbitrator. An arbitrator shall make every effort to prevent or discourage others from representing themselves as being in such a position.</i></p> <p><i>(e) An arbitrator shall not allow past or ongoing financial, business, professional, family or social relationships or responsibilities to influence his or her conduct or judgment.</i></p> <p><i>(f) An arbitrator shall avoid entering into any relationship, or acquiring any financial interest, that is likely to affect his or her impartiality or that might reasonably create an appearance of impropriety or an apprehension of bias.</i></p> <p><i>(g) If an interest, relationship or matter of a candidate or arbitrator is inconsistent with subparagraphs (a) through (f), the candidate may accept appointment to a tribunal and an arbitrator may continue to serve on a tribunal if the disputing</i></p>	<p><i>clamour and loyalty to a Party or fear of criticism.</i></p> <p><i>11. An arbitrator shall not, directly or indirectly, incur any obligation or accept any benefit that would in any way interfere, or appear to interfere, with the proper performance of his duties.</i></p> <p><i>12. An arbitrator shall not use his position on the arbitration panel to advance any personal or private interests and shall avoid actions that may create the impression that others are in a special position to influence him.</i></p> <p><i>13. An arbitrator shall not allow financial, business, professional, personal or social relationships or responsibilities to influence his conduct or judgement.</i></p> <p><i>14. An arbitrator shall avoid entering into any relationship or acquiring any financial interest that is likely to affect his impartiality or that might reasonably create an appearance of impropriety or bias.</i></p>	<p><i>impropriety and shall not be influenced by self-interest, outside pressure, political considerations, public clamour, loyalty to a Party or disputing party or fear of criticism.</i></p> <p><i>2. Members shall not, directly or indirectly, incur any obligation or accept any benefit that would in any way interfere or appear to interfere with the proper performance of their duties.</i></p> <p><i>3. Members shall not use their position as a member to advance any personal or private interests and shall avoid actions that may create the impression that others are in a special position to influence them.</i></p> <p><i>4. Members shall not allow financial, business, professional, family or social relationships or responsibilities to influence their conduct or judgment.</i></p> <p><i>5. Members shall avoid entering into any relationship or acquiring any financial interest that is likely to affect their impartiality or that might reasonably create an appearance of impropriety or bias.</i></p> <p><i>[FN n . 1 For greater certainty, the fact that a Member receives an income from a government or has a family relationship with a person who receives an income from the government shall not in itself be considered to be inconsistent with paragraph 2 and 5.]</i></p>	<p><i>an appearance of impropriety or bias.</i></p> <p><i>12. An arbitrator shall not be influenced by self-interest, outside pressure, political considerations, public clamour, loyalty to a Party or a disputing party or fear of criticism.</i></p> <p><i>13. An arbitrator shall not, directly or indirectly, incur any obligation or accept any benefit that would in any way interfere, or appear to interfere, with the proper performance of his or her duties.</i></p> <p><i>14. An arbitrator shall not use his or her position on the arbitral tribunal to advance any personal or private interests. An arbitrator shall avoid actions that may create the impression that others are in a special position to influence the arbitrator. An arbitrator shall make every effort to prevent or discourage others from representing themselves as being in such a position.</i></p> <p><i>15. An arbitrator shall not allow past or existing financial, business, professional, family or social relationships or responsibilities to influence the arbitrator's conduct or judgment.</i></p> <p><i>16. An arbitrator shall avoid entering into any relationship, or acquiring any financial interest, that is likely to affect his or her impartiality or that might reasonably create an appearance of impropriety or bias.</i></p>

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	<i>(Full text available here)</i>	<i>(Full text available here)</i>	<i>(Full text available here)</i>	<i>(Full text available here)</i>	<i>(Full text available here)</i>	<i>(Full text available here)</i>	<i>(Full text available here)</i>	<i>(Full text available here)</i>
					<i>parties waive the violation or if, after the candidate or arbitrator has taken steps to ameliorate the violation, the disputing parties determine that the inconsistency has ceased.</i>			
Obligations after proceeding	<p><i>Part V: Duties in Certain Situations</i></p> <p><i>A. For a period of one year after the completion of an Article 1904 proceeding, a former member shall not personally advise or represent any participant in the proceeding with regard to antidumping or countervailing duty matters.</i></p> <p><i>B. In the case of an Article 1904 proceeding, a member or a former member shall not represent a participant in an administrative proceeding, a domestic court proceeding or another Article 1904 proceeding involving the same goods.</i></p> <p><i>C. A former member shall avoid actions that may create the appearance that the member was biased in carrying out the member's duties or would benefit from the decision of the panel or committee.</i></p>	<p><i>Obligations of former Members</i></p> <p><i>15. All former Members must avoid actions that may create the appearance that they were biased in carrying out their duties or derived any advantage from the decision or ruling of the Tribunal or the Appeal Tribunal.</i></p> <p><i>16. Without prejudice to Article 3.9(5) (Tribunal of First Instance) and Article 3.10(4) (Appeal Tribunal), Members shall undertake that after the end of their term, they shall not become involved in any manner whatsoever:</i></p> <p><i>(a) in investment disputes which were pending before the Tribunal or the Appeal Tribunal before the end of their term;</i></p> <p><i>(b) in investment disputes directly and clearly connected with disputes, including concluded disputes, which they have dealt with as Members of the Tribunal or the Appeal Tribunal.</i></p> <p><i>17. Members shall undertake that for a period of three years after the end of their term, they shall not act as representatives of one of the disputing parties in investment disputes before the Tribunal or the Appeal Tribunal.</i></p> <p><i>18. If the President of the Tribunal or of the Appeal Tribunal is informed or otherwise becomes</i></p>		<p><i>Obligations of former arbitrators</i></p> <p><i>16. All former arbitrators must avoid actions that may create the appearance that they were biased in carrying out their duties or derived advantage from the decision or ruling of the arbitration panel.</i></p>	<p><i>7. Duties of Former Arbitrators</i></p> <p><i>A former arbitrator shall avoid actions that may create the appearance that the arbitrator was biased in carrying out his or her duties or would benefit from the decision, order or award of the tribunal.</i></p>	<p><i>Obligations of Former Arbitrators</i></p> <p><i>15. All former arbitrators shall avoid actions that may create the appearance that they were biased in carrying out their duties or derived advantage from the decisions or rulings of the arbitration panel.</i></p>	<p>ARTICLE 6</p> <p><i>Obligations of Former Members</i></p> <p><i>1. All former members shall avoid actions that may create the appearance that they were biased in carrying out their duties or derived advantage from the decisions or awards of the Tribunal or the Appeal Tribunal.</i></p> <p><i>2. Without prejudice to paragraph 5 of Article 3.38 (Tribunal) and paragraph 9 of Article 3.39 (Appeal Tribunal), members shall undertake that after the end of their term, they shall not become involved in:</i></p> <p><i>(a) investment disputes which were pending before the Tribunal or the Appeal Tribunal before the end of their term;</i></p> <p><i>(b) investment disputes with which they dealt with as members of the Tribunal or the Appeal Tribunal and other disputes that have matters of fact in common with such disputes or arise out of the same events and circumstances as such disputes.</i></p> <p><i>3. Members shall undertake that for a period of three years after the end of their term, they shall not act as representatives of one of the disputing parties in investment disputes before the Tribunal or the Appeal Tribunal</i></p> <p><i>4. If the President of the Tribunal or of the Appeal Tribunal is informed or otherwise becomes aware that a former Member of the Tribunal or of the Appeal Tribunal, respectively, is alleged</i></p>	<p><i>Duties in Certain Situations</i></p> <p><i>17. An arbitrator or former arbitrator shall avoid actions that may create the appearance that the arbitrator was biased in carrying out his or her duties or would benefit from the decision or award of the arbitral tribunal.</i></p>

PROVISION	NAFTA	EU- Singapore IPA	Australia-Japan EPA	CETA	CPTPP	EU-Vietnam FTA	EU-Vietnam IPA	Indonesia-Australia CEPA
	<i>(Only applicable to Chapter 19 and 20)</i> <i>(Full text available here)</i>	<i>(Annex 7 Code of Conduct for Members of The Tribunal, The Appeal Tribunal and Mediators) (FTA in force Nov. 21, 2019/ IA will enter in force when ratified by all EU MS)</i> <i>(Full text available here)</i>	<i>(Annex B Code of Conduct of Arbitrators, Rules of Procedure of Arbitral Tribunals) (EPA in force Jan. 15, 2015)</i> <i>(Full text available here)</i>	<i>(Annex 29-B (State-State)) (In force provisionally Sept. 21, 2017)</i> <i>(Code applicable to ISDS has not yet been published)</i> <i>(Full text available here)</i>	<i>(Chapter 9, Section B, Code for ISDS) (In force Dec. 30, 2018)</i> <i>(Full text available here)</i>	<i>(Annex 15-B (State-State)) (Draft)</i> <i>(Full text available here)</i>	<i>(Annex 11 Code of Conduct for Members of The Tribunal, Members of The Appeal Tribunal and Mediators) (Draft)</i> <i>(Full text available here)</i>	<i>(Annex 14-A Code of Conduct for Arbitrators) (CEPA ratified by Australia in Nov. 2019, and Indonesia in Feb. 2020)</i> <i>(Full text available here)</i>
		<i>aware that a former Member of the Tribunal or of the Appeal Tribunal, respectively, is alleged to have breached the obligations set out in paragraphs 15 through 17, he shall examine the matter, and provide the opportunity to the former Member to be heard. If, after verification, he finds the alleged breach to be confirmed, he shall inform:</i> <i>(a) the professional body or other such institution with which that former Member is affiliated;</i> <i>(b) the Parties; and</i> <i>(c) the president of any other relevant investment tribunal or appeal tribunal.</i> <i>The President of the Tribunal or of the Appeal Tribunal shall make public its findings pursuant to this paragraph.</i>					<i>to have acted inconsistently with the obligations set up in paragraphs 1 to 3, the President shall examine the matter, provide the opportunity to the former member to be heard, and, after verification, inform thereof:</i> <i>(a) the professional body or other such institution with which that former Member is affiliated;</i> <i>(b) the Parties; and</i> <i>(c) the President of any other relevant investment tribunal or appeal tribunal in view of the initiation of appropriate measures. The President of the Tribunal or of the Appeal Tribunal shall make public its decision to take any actions referred to in subparagraphs (a) to (c), together with the reasons therefore.</i>	
Confidentiality	<i>Part VI: Maintenance of Confidentiality</i> <i>A. A member or former member shall not at any time disclose or use any non-public information concerning the proceeding or acquired during the proceeding except for the purposes of the proceeding and shall not, in any case, disclose or use any such information to gain personal advantage or advantage for others or to affect adversely the interest of another.</i> <i>B. A member shall not disclose a declaratory opinion under Article 1903 or a panel or extraordinary challenge committee order or decision under Article 1904 prior to its issuance by the panel or committee.</i>	<i>19. No Member or former Member shall at any time disclose or use any non-public information concerning a proceeding or acquired during a proceeding, except for the purposes of that proceeding, and shall not, in particular, disclose or use any such information to a personal advantage or an advantage for others or to affect the interest of others.</i> <i>20. A Member shall not disclose a decision or award or parts thereof prior to its publication in accordance with Annex 8.</i> <i>21. A Member or former Member shall not at any time disclose the deliberations of the Tribunal or Appeal Tribunal, or any Member's view regarding the deliberations.</i>	<i>VII. Confidentiality</i> <i>1. Each covered person shall at all times maintain the confidentiality of non-public information acquired during deliberations and proceedings of the arbitral tribunal. No covered person shall at any time use such information to gain personal advantage or advantage for others.</i> <i>2. No covered person shall disclose the award of the arbitral tribunal, or make any statements on the arbitral tribunal's proceedings or the issues in dispute, until the final award is made available to the public in accordance with paragraph 7 of Article 19.12 (Award) of the Agreement.</i> <i>3. A covered person shall not at any time disclose which arbitrators are associated with any majority or minority opinions</i>	<i>Confidentiality</i> <i>17. No arbitrator or former arbitrator shall at any time disclose or use any non-public information concerning a proceeding or acquired during a proceeding except for the purposes of that proceeding and shall not, in any case, disclose or use any such information to gain personal advantage or advantage for others or to adversely affect the interest of others.</i> <i>18. An arbitrator shall not disclose an arbitration panel ruling or parts thereof prior to its publication in accordance with this Chapter.</i> <i>19. An arbitrator or former arbitrator shall not at any time disclose the deliberations of an arbitration panel, or any member's view.</i>	<i>8. Maintenance of Confidentiality</i> <i>(a) An arbitrator or former arbitrator shall not at any time disclose or use any non-public information concerning the tribunal proceeding or acquired during the tribunal proceeding except for the purposes of the tribunal proceeding and shall not, in any case, disclose or use any such information to gain personal advantage or advantage for others or to affect adversely the interest of another.</i> <i>(b) An arbitrator shall not disclose a decision, order or award or parts thereof prior to its publication in accordance with Chapter 9 Section B (Investor-State Dispute Settlement), except in accordance with Article 9.23.10 (Conduct of the Arbitration).</i>	<i>Confidentiality</i> <i>16. No arbitrator or former arbitrator shall at any time disclose or use any non-public information concerning proceedings or acquired during proceedings except for the purposes of those proceedings and shall not, in any case, disclose or use any such information to gain personal advantage or advantage for others or to adversely affect the interest of others.</i> <i>17. An arbitrator shall not disclose an arbitration panel ruling or parts thereof prior to its publication in accordance with Chapter 15 (Dispute Settlement).</i> <i>18. An arbitrator or a former arbitrator shall not disclose the deliberations of an arbitration panel, or any arbitrator's view at any time.</i>	<i>ARTICLE 7 Confidentiality</i> <i>1. Members and former Members shall not disclose or use at any time any non-public information concerning proceedings or acquired during proceedings, except for the purposes of the proceedings, and shall not, in any event, disclose or use such information to gain personal advantage or advantage for others or to adversely affect the interest of others</i> <i>2. Members shall not disclose a decision or award or parts thereof prior to its publication in accordance with the transparency provisions of Article 3.36 (Transparency of Proceedings).</i> <i>3. Members and former Members shall not disclose at</i>	<i>Maintenance of Confidentiality</i> <i>18. An arbitrator or former arbitrator shall not at any time disclose or use any non-public information concerning the proceeding or acquired during the proceeding except for the purposes of the proceeding and shall not, in any case, disclose or use any such information to gain personal advantage or advantage for others or to affect adversely the interest of others.</i> <i>19. An arbitrator shall not disclose an arbitral tribunal award or parts thereof prior to its publication.</i> <i>20. An arbitrator or former arbitrator shall not at any time disclose the deliberations of an arbitral tribunal, or any arbitrator's view, except as required by legal or constitutional requirements.</i>

PROVISION	NAFTA	EU- Singapore IPA	Australia-Japan EPA	CETA	CPTPP	EU-Vietnam FTA	EU-Vietnam IPA	Indonesia-Australia CEPA
	<p>(Only applicable to Chapter 19 and 20)</p> <p>(Full text available here)</p>	<p>(Annex 7 Code of Conduct for Members of The Tribunal, The Appeal Tribunal and Mediators) (FTA in force Nov. 21, 2019/ IA will enter in force when ratified by all EU MS)</p> <p>(Full text available here)</p>	<p>(Annex B Code of Conduct of Arbitrators, Rules of Procedure of Arbitral Tribunals) (EPA in force Jan. 15, 2015)</p> <p>(Full text available here)</p>	<p>(Annex 29-B (State-State)) (In force provisionally Sept. 21, 2017)</p> <p>(Code applicable to ISDS has not yet been published)</p> <p>(Full text available here)</p>	<p>(Chapter 9, Section B, Code for ISDS) (In force Dec. 30, 2018)</p> <p>(Full text available here)</p>	<p>(Annex 15-B (State-State)) (Draft)</p> <p>(Full text available here)</p>	<p>(Annex 11 Code of Conduct for Members of The Tribunal, Members of The Appeal Tribunal and Mediators) (Draft)</p> <p>(Full text available here)</p>	<p>(Annex 14-A Code of Conduct for Arbitrators) (CEPA ratified by Australia in Nov. 2019, and Indonesia in Feb. 2020)</p> <p>(Full text available here)</p>
	<p>C. A member shall not disclose a special committee report or decision under Article 1905 prior to its public release by the Secretariat. A member or former member shall not at any time disclose which members are associated with majority or minority opinions in an Article 1905 proceeding.</p> <p>D. A member shall not disclose a panel report issued under Chapter 20 prior to its publication by the Commission. A member or former member shall not at any time disclose which members are associated with majority or minority opinions in a proceeding under Chapter 20.</p> <p>E. A member or former member shall not at any time disclose the deliberations of a panel or committee, or any member's view, except as required by law.</p>		<p>in the award of the arbitral tribunal.</p>		<p>(c) An arbitrator or former arbitrator shall not at any time disclose the deliberations of a tribunal, or any arbitrator's view. [FN: For greater certainty, this subparagraph (c) does not apply to the arbitrator's view in a decision, order, award or opinion.]</p> <p>(d) An arbitrator shall not make a public statement regarding the merits of a pending tribunal proceeding.</p>		<p>any time the deliberations of the Tribunal or the Appeal Tribunal, or any member's views, whatever they may be.</p>	
Others	<p>Part VII: Responsibilities of Assistants and Staff Parts I (Responsibilities to the Process), II (Disclosure Obligations) and VI (Maintenance of Confidentiality) of this Code of Conduct apply also to assistants and staff.</p>	<p>Expenses 22. Each Member shall keep a record and render a final account of the time devoted to the procedure and of the expenses incurred.</p> <p>Mediators 23. The disciplines described in this Code of Conduct applying to Members or former Members shall apply, mutatis mutandis, to mediators.</p> <p>Consultative Committee 24. The President of the Tribunal and the President of the Appeal Tribunal shall each be assisted by a Consultative Committee, composed of the respective Vice-President and the most senior member by age of the Tribunal and the Appeal Tribunal</p>		<p>Expenses 20. Each arbitrator shall keep a record and render a final account of the time devoted to the procedure and of her or his expenses as well as the time and expenses of her or his assistant.</p> <p>Mediators 21. This Code of Conduct applies, mutatis mutandis, to mediators</p>	<p>9. Responsibilities of Experts, Assistants and Staff Paragraphs 2 (Responsibilities to the Process), 4(a), 4(d), 4(e), 4(f) and 4(g) (Disclosure Obligations), 5(c), 5(h) and 5(i) (Performance of Duties by Candidates and Arbitrators), 7 (Duties of Former Arbitrators) and 8 (Maintenance of Confidentiality) of this Code of Conduct shall also apply to experts, assistants and staff.</p> <p>10. Review A Party to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership may request the Trans-Pacific Partnership Commission established under Article 27.1 (Establishment of the Trans-Pacific Partnership Commission) to review and</p>	<p>Expenses 19. Each arbitrator shall keep a record and render a final account of the time devoted to the procedure and of his expenses, as well as the time and expenses of his assistant and staff.</p> <p>Mediators 20. This Code of Conduct applies mutatis mutandis to mediators.</p>	<p>ARTICLE 8 Expenses Each Member shall keep a record and render a final account of the time devoted to the procedure and of the expenses incurred Mediators.</p> <p>ARTICLE 9 Mediators The rules set out in this Code of Conduct as applying to Members or former Members apply, mutatis mutandis, to mediators.</p>	

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	<i>(Full text available here)</i>	<i>(Full text available here)</i>	<i>(Full text available here)</i>	<i>(Full text available here)</i>	<i>(Full text available here)</i>	<i>(Full text available here)</i>	<i>(Full text available here)</i>	<i>(Full text available here)</i>
		<i>respectively, for ensuring the proper application of this Code of Conduct, Article 3.11 (Ethics) and for the execution of any other task, where so provided.</i>			<i>amend the Code of Conduct for Investor-State Dispute Settlement to take into account, as appropriate, relevant developments concerning Investor-State Dispute Settlement.</i>			

Other FTAs that provide for a Code of Conduct that has not been issued:

Canada-Honduras FTA (in force Oct. 1, 2014)	Canada- Peru FTA (in force June 20, 2007)	TPP (draft)
<p><u>Commission has not issued Code of Conduct to this date</u></p> <p>Article 10.26: Arbitrators</p> <p>1. Except in respect of a Tribunal established under Article 10.29, and unless the disputing parties decide otherwise, the Tribunal shall consist of 3 arbitrators. Each disputing party shall appoint one arbitrator. The disputing parties shall jointly appoint the third, who shall be the presiding arbitrator.</p> <p>2. Arbitrators shall:</p> <p>(a) have expertise or experience in public international law, international trade or international investment rules, or the settlement of disputes arising under international trade or international investment agreements;</p> <p>(b) be independent of, and not be affiliated with or take instructions from, either Party or the disputing investor; and</p> <p>(c) <u>comply with the Code of Conduct for Dispute Settlement established by the Commission.</u></p> <p>3. If the disputing parties do not agree on the remuneration of the arbitrators before the Tribunal is constituted, the prevailing ICSID rate for arbitrators applies.</p> <p>4. The Commission may establish rules relating to the expenses incurred by the Tribunal.</p>	<p><u>Commission has not issued Code of Conduct to this date</u></p> <p>ARTICLE 29 Arbitrators</p> <p>1. Except in respect of a Tribunal established under Article 32 (Consolidation), and unless the disputing parties agree otherwise, the Tribunal shall comprise three arbitrators, one arbitrator appointed by each of the disputing parties and the third, who shall be the presiding arbitrator, appointed by agreement of the disputing parties.</p> <p>2. Arbitrators shall:</p> <p>(a) have expertise or experience in public international law, international trade or international investment rules, or the resolution of disputes arising under international trade or international investment agreements;</p> <p>(b) be independent of, and not be affiliated with or take instructions from, either Party or the disputing investor; and</p> <p>(c) comply with any Code of Conduct for Dispute Settlement as agreed by the Commission.</p> <p>3. Where a disputing investor claims that a dispute involves measures adopted or maintained by a Party relating to financial institutions of the other Party, or investors of the other Party and investments of such investors, in financial institutions in a Party's territory, then</p> <p>(a) where the disputing parties are in agreement, the arbitrators shall, in addition to the criteria set out in paragraph 2, have expertise or experience in financial services law or practice, which may include the regulation of financial institutions; or</p> <p>(b) where the disputing parties are not in agreement,</p> <p>(i) each disputing party may select arbitrators who meet the qualifications set out in subparagraph (a), and</p> <p>(ii) if the Party complained against invokes Articles 14(6) or 17, the chair of the panel shall meet the qualifications set out in subparagraph (a).</p> <p>4. The disputing parties should agree upon the arbitrators' remuneration. If the disputing parties do not agree on such remuneration before the constitution of the Tribunal, the prevailing ICSID rate for arbitrators shall apply.</p> <p>5. The Commission may establish rules relating to expenses incurred by the Tribunal.</p>	<p>6. The Parties shall, prior to the entry into force of this Agreement, provide guidance on the application of the Code of Conduct for Dispute Settlement Proceedings under Chapter 28 (Dispute Settlement) to arbitrators selected to serve on investor-State dispute settlement tribunals pursuant to this Article, including any necessary modifications to the Code of Conduct to conform to the context of investor-State dispute settlement. The Parties shall also provide guidance on the application of other relevant rules or guidelines on conflicts of interest in international arbitration. Arbitrators shall comply with that guidance in addition to the applicable arbitral rules regarding independence and impartiality of arbitrators.</p>