## Compilation of Codes of Conduct in FTAs

*Note: This document (former Annex B) provides excerpts from a variety of recent Codes of Conduct updated as of 18 February 2021, including new treaties and updated references*

### I. FTAs That Include a Code of Conduct

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### II. Other FTAs That Provide for a Code of Conduct That Has Not Been Issued

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I. FTAs that include a Code of Conduct

PROVISION

NAFTA

EU-Singapore IPA (ISDS)

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 (a) an individual whose name appears on a roster or list established pursuant to Annex 14.12, Annex 14.13 or Article 14.20, (b) an individual who is under consideration for appointment as a member of the panel pursuant to Annex 14.2 or Article 14.3, 2001 or 2011, or (c) an individual who is under consideration for appointment as a member of a committee pursuant to Annex 14.4, 2011 or Article 14.3, “member” means (a) a member from a panel constituted pursuant to Annex 14.1 or Article 14.3, 2001, 2008 or 2011, (b) a member of an extraordinary challenge committee constituted pursuant to Article 14.3, or (c) a member of a special committee constituted pursuant to Article 14.3; “participant” has the meaning assigned in the Rules of Procedure for Article 14.4 Binational Panel Reviews; “Party” means a Party to the Agreement; “presiding”, unless otherwise specified, means

Definitions/S

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ARTICLE 1

Definitions

For the purposes of this Code of Conduct:

(a) “arbitrator” means a member of an arbitration panel established under Chapter 15 (Establishment of the Arbitration Panel);

(b) “assistant” means a person who, under the terms of appointment of a member, conducts research or provides assistance to that arbitrator, staff, in respect of a panellist or candidate or a parent, child, grandparent, grandchild, brother, aunt, uncle, niece or nephew of the arbitrator or candidate or spouse of the panelist or candidate, including whole and half blood relatives and step relatives; or the spouse of such an individual. Family member includes any resident of a panelist’s or candidate’s household whom the panellist or candidate treats as a member of his or her family; Rules means the Rules of Procedure established pursuant to Article 28.13 (Rules of Procedure for Panels); and (f) “staff”, in respect of an arbitrator, means individuals under the direction and control of the arbitrator, other than assistants.

Definitions

For the purposes of this Code of Conduct:

(a) “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 assistance to that arbitrator; mediator means a person who conducts a mediation proceeding, unless otherwise specified, means an arbitrator or candidate treats as a member of his or her family; Rules means applicable rules; and staff, in respect of a panellist or candidate or a parent, child, grandparent, grandchild, brother, aunt, uncle, niece or nephew of the arbitrator or candidate or spouse of the panelist or candidate, including whole and half blood relatives and step relatives; or the spouse of such an individual. Family member includes any resident of a panelist’s or candidate’s household whom the panellist or candidate treats as a member of his or her family; Rules means the Rules of Procedure established pursuant to Article 28.13 (Rules of Procedure for Panels); and (f) “staff”, in respect of an arbitrator, means individuals under the direction and control of the arbitrator, other than assistants.

Definitions

For the purposes of this Code of Conduct:

(a) “arbitrator” means a member of an arbitration panel established under Article 15.7 (Establishment of the Arbitration Panel); (b) “assistant” means a person who, under the terms of appointment of an arbitrator, conducts research or provides assistance to that arbitrator; mediator means a person who conducts a mediation proceeding, unless otherwise specified, means an arbitrator or candidate treats as a member of his or her family; Rules means the Rules of Procedure established pursuant to Article 28.13 (Rules of Procedure for Panels); and (f) “staff”, in respect of an arbitrator, means individuals under the direction and control of the arbitrator, other than assistants.

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| PROVISION | NAFTA  
(Only applicable to Chapter 19 and 20) | EU-Singapore IPA (ISDS)  
(Annex 1 Code of Conduct for Members of The Tribunal, The Appeal Tribunal and Mediators) [FTA in force Nov. 21, 2019]  
(Full text available [here](#)) | Australia-Japan EPA (State-State)  
(EPAA in force Jan. 15, 2015)  
(Full text available [here](#)) | CETA (State-State)  
(Annex 2B (State-State))  
(In force provisionally Sept. 21. 2017)  
(CODE ISDS has not yet been published)  
(Full text available [here](#)) | CPTPP (ISDS)  
(Chapter 9, Section B, Code for ISDS)  
(In force Dec. 30, 2018)  
(Full text available [here](#)) | CPTPP (State-State)  
(Chapter 28, Annex I, Code of Conduct (State-State))  
(In force provisionally Sept. 21, 2017)  
(Full text available [here](#)) | EU-Vietnam FTA (State-State)  
(Annex 15-B (State-State))  
(Draft)  
(Full text available [here](#)) | EU-Vietnam IPA (ISDS)  
(Annex 11 Code of Conduct for Members of The Tribunal, Members of The Appeal Tribunal and Mediators)  
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<td><strong>Responsibilities during proceeding</strong></td>
<td>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.</td>
<td>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</td>
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<td>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.</td>
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- (a) a panel review under Article 1903 or 1904.
- (b) an extraordinary challenge proceeding under Annex 1904.13.
- (c) a special proceeding under Article 1905.
- (d) a panel proceeding under Chapter 20.
- (e) a proceeding in a dispute arising under Chapter 11 or 14 to which Chapter 20 applies; “secretarial” means persons under the direction and control of the member, other than assistants.
- B. Every 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.
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| (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. | (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 regarding direct or indirect conflicts of interest, such as the International Bar Association Guidelines on Conflicts of Interest in International Arbitration. (f) In the event of an alleged breach of this Code of Conduct, the Rules governing | (c) Each candidate or panellist shall disclose the existence of any interest, relationship or matter that is likely to affect the candidate’s or panellist’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 panellist’s ability to carry out the duties with integrity, impartiality and competence is impaired. | (d) This Code of Conduct does not determine whether or under what circumstances the Parties will disqualify a candidate or panellist from being appointed to a panel, or serving as a panellist, on the basis of disclosures made. |
Disclosure

[Introductionary 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 their or their member’s independence or impartiality or that might reasonably create an appearance of impropriety or bias. To this end, a candidate or member shall make all reasonable efforts to become aware of any such interests, relationships or 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 that 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 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 her or his 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., directorships, 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 those interests may potentially bias the person in deciding the dispute in question).

(c) any active interests relevant to the dispute in question (e.g., active participation in public interest groups or other organisations which may have a declaratory agenda relevant to the dispute in question).

(d) considered statements of personal opinion on issues relevant to the dispute in question (e.g., public statements, public comments).

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 the appointing authority for an arbitrator under this Chapter, or 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.

4. A candidate or arbitrator shall make all efforts to become aware of any such interests, relationships or matters referred to in paragraph 1. Members shall at all times continue to make all reasonable efforts to become aware of any such interests, relationships or matters.

5. Once appointed, an arbitrator shall continue to disclose all relevant information.

Disclosure Obligations

4. Without limiting the obligation does not extend to any information relevant to the dispute in question (e.g., active participation in public interest groups or other organisations which may have a declaratory agenda relevant to the dispute in question).

5. Members shall at all times continue to make all reasonable efforts to become aware of any such interests, relationships or matters referred to in paragraph 1. Members shall disclose any such interests, relationships or matters to the disputing parties.

Disclosure Obligations

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 this end, a candidate shall make all reasonable efforts to become aware of any such interests, relationships or matters referred to in paragraph 1. Members shall disclose any such interests, relationships or matters to the disputing parties.

[FN n. 1: For greater certainty, this obligation does not extend to any information relevant to the dispute in question (e.g., active participation in public interest groups or other organisations which may have a declaratory agenda relevant to the dispute in question).]
Throughout the proceeding, candidates and members have a continuing obligation to disclose 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, or in any other manner, on the basis of disclosures made.

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.

1. The candidate shall disclose in writing to the Parties any information relevant to paragraph 1 when he or she becomes aware of it.

2. The application of 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.

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.

4. Once selected, an arbitrator shall continue to make all reasonable efforts to become aware of any such interests, relationships and matters.

Therefore, a candidate shall disclose in writing to the Parties any information relevant to paragraph 1 when he or she becomes aware of it.

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(e) employment or family interests relevant to the dispute in question (e.g. the possibility of any indirect advantage or any likelihood of pressure which could arise from their employer, business associate or immediate family members).

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 proceeding. 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.

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.

4. Once selected, an arbitrator shall continue to make all reasonable efforts to become aware of any such interests, relationships and matters.

Therefore, a candidate shall disclose in writing to the Parties any information relevant to paragraph 1 when he or she becomes aware of it.

6. Once selected, an arbitrator shall continue to make all reasonable efforts to become aware of any such interests, relationships and matters.

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.

6. Once appointed, a panelist shall continue to make all reasonable efforts to become aware of any such interests, relationships and matters.

(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.

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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.

6. Once selected, an arbitrator shall continue to make all reasonable efforts to become aware of any such interests, relationships and matters.
(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;
(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, 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;
(3) any past or existing financial, business, professional, family or 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
[FN: For greater certainty, “interested parties” may include the home country of the investor.]
(iv) any past or current financial, business, professional, family or 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
(v) public advocacy or legal or other representation concerning an issue in dispute in the tribunal proceeding or involving the same investment.
(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 panel proceeding.
(f) The disclosure obligations set out in subparagraphs (a) through (e) should not be interpreted so that the burden of detailed disclosure makes it impractical for individuals in the legal or business community to serve as panellists, thereby depriving the Parties of the services of those who might be best qualified to serve as panellists. Thus, candidates and panellists should not be called upon to disclose interests, relationships or matters whose bearing on their role in the panel proceeding would be trivial.
## Duties

### Part III: The Performance of Duties by Candidates and Members

#### 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.

- 6. A Member shall perform his or her duties thoroughly and expeditiously throughout the course of the proceeding and with fairness and diligence.  
  - 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.  
  - 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.

#### B. A member shall ensure that the Secretariat can, at all reasonable times, contact the member in order to conduct panel or committee business.

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<td>6. A Member shall perform his or her duties thoroughly and expeditiously throughout the course of the proceeding and with fairness and diligence. 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. 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.</td>
<td>(Full text available here)</td>
</tr>
<tr>
<td>V. Performance of Duties 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. 2. An arbitrator shall carry out all duties fairly and diligently. 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. 4. An arbitrator shall consider only those issues raised in the course of the proceeding and necessary for a ruling and shall not delegate this duty to any other person. 5. An arbitrator shall carry out all duties fairly and diligently. 6. An arbitrator shall perform all duties thoroughly and expeditiously throughout the course of the proceeding and with fairness and diligence. 7. 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. 8. An arbitrator 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.</td>
<td>(Full text available here)</td>
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<td>5. Performance of Duties by Candidates and Panellists (a) A candidate who accepts an appointment as a panellist shall be available to perform, and shall perform, all duties thoroughly and expeditiously throughout the course of the proceedings. (b) A panellist shall be available to perform, and shall perform, all duties thoroughly and expeditiously throughout the course of the proceeding.</td>
<td>(Full text available here)</td>
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<tr>
<td>6. An arbitrator shall perform all duties thoroughly and expeditiously throughout the course of the proceeding and with fairness and diligence. 7. 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. 8. An arbitrator shall take all appropriate steps to ensure that his or her assistants and staff are aware of, and comply with, rules 2, 3, 4, 5, 16, 17 and 18 of this Code of Conduct.</td>
<td>(Full text available here)</td>
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<td>C. A member shall carry out all duties fairly and diligently.</td>
<td>D. A member shall comply with the provisions of Chapter 19 or 20 and the applicable rules.</td>
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<td>C. A candidate or member 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.</td>
<td>D. 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.</td>
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<td>9. An arbitrator shall not engage in ex parte contacts concerning the proceeding.</td>
<td>20. An arbitrator shall not engage in ex parte contacts concerning the proceeding.</td>
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<td>(Full text available here)</td>
<td>(Full text available here)</td>
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Independence and Impartiality of Members

A. A member shall be independent and impartial. A member shall act in a fair manner and shall avoid creating an appearance of impropriety or an apprehension of bias.

B. A member shall not be influenced by self-interest, outside pressure, political considerations, public clamour, loyalty to a Party or fear of criticism.

C. A member shall not, directly or indirectly, incur any obligation or accept any benefit that would in any way interfere, with the proper performance of his or her duties.

D. A member shall not use the member's position on the Tribunal and Mediators for Members of The Tribunal, the Secretary-General, the independent and impartial. A member shall not use the duties.

VI. Independence and Impartiality of Arbitrators

1. An arbitrator shall be independent and impartial. An arbitrator shall not allow past or existing financial, business, professional, family or social relationships or responsibilities to influence his or her conduct or judgment, and shall not be influenced by self-interest, outside pressure, political considerations, personal or financial interests and shall avoid actions that may create the impression that others are in a special position to influence the arbitrator's impartiality or that might reasonably create an appearance of impropriety or an apprehension of bias.

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.

3. An arbitrator shall not accept any benefit that would in any way affect, or appear to affect, the arbitrator's duties.

4. An arbitrator shall not use the arbitrator's position on the 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.

5. An arbitrator may not allow financial, business, professional, personal or social relationships or responsibilities to influence the arbitrator's impartiality or that might reasonably create an appearance of impropriety or an apprehension of bias.

6. An arbitrator shall not use his or her position on the panel to advance any personal or private interests. A panellist shall avoid actions that may create the impression that others are in a special position to influence her or him.
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.

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.

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.

Obligations after proceeding

Part V: Duties in Certain Situations

A. For a period of one year after the completion of an Article 1904 proceeding, a

Members of The Tribunal, The Appeal Tribunal and Mediators (FTA in force Nov. 20. 2019) will enter into force when ratified by all EU MS.

Article 1904 proceeding, a

Part V: Duties in Certain

or an apprehension of bias.

that might reasonably create the member's impartiality or interest, that is likely to affect or acquiring any financial entering into any relationship, or social relationships or business, professional, family

E. A member shall not allow financial, business, professional, family or social relationships or responsibilities to influence his or her conduct or judgment. A member shall make every effort to prevent or discourage others from representing themselves as being in such a position.

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 bias.

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.

professional, family or social responsibilities or relationships to influence her or his conduct or judgement. 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.

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. 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. (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.

(9) If an interest, relationship or matter of a candidate or panelist is inconsistent with subparagraphs (a) through (f), the candidate may accept appointment to a panel and a panelist may continue to serve on a panel if the disputing Parties waive the violation or if, after the candidate or panelist has taken steps to ameliorate the violation, the disputing Parties determine that the inconsistency has cleared.

An arbitrator may not allow past or ongoing financial, business, professional, family or social relationships or responsibilities to influence his or her conduct or judgment. (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 bias.

1. All former members shall

ARTICLE 6

Obligations of Former Arbitrators

15. All former arbitrators shall avoid actions that may create the appearance that they were biased in carrying out their conduct or judgement. 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.

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<th>PROVISION</th>
<th>NAFTA</th>
<th>EU- Singapore IPA (ISDS)</th>
<th>Australia-Japan EPA (State-State)</th>
<th>CETA (State-State)</th>
<th>CPTPP (ISDS)</th>
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<th>EU-Vietnam FTA (State-State)</th>
<th>EU-Vietnam IPA (ISDS)</th>
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<td>former member shall not personally advise or represent any participant in the proceeding with regard to antidumping or countervailing duty matters.</td>
<td>in carrying out their duties or derived any advantage from the decision or ruling of the Tribunal or the Appeal Tribunal.</td>
<td>their duties or derived advantage from the decision or ruling of the arbitration panel.</td>
<td>from the decision, order or award of the tribunal.</td>
<td>or her duties or would benefit from the decision of the panel.</td>
<td>their duties or derived advantage from the decisions or rulings of the arbitration panel.</td>
<td>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.</td>
<td>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: (a) investment disputes which were pending before the Tribunal or the Appeal Tribunal before the end of their term; (b) 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.</td>
<td>(Full text available <a href="#">here</a>)</td>
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<td>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.</td>
<td>Members shall undertake that after the end of their term, they shall not become involved in any manner whatsoever: (a) in investment disputes which were pending before the Tribunal or the Appeal Tribunal before the end of their term; (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.</td>
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<td>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.</td>
<td>(Full text available <a href="#">here</a>)</td>
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<td>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.</td>
<td>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.</td>
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<td>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 to have breached the obligations set out in</td>
<td>(Full text available <a href="#">here</a>)</td>
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19. No Member or former Member shall at any time disclose or use any non-public information concerning a proceeding or acquired during the proceeding except for the purposes of the proceeding and shall not, in any case, disclose or use such information to gain personal advantage or advantage for others or to affect adversely the interest of another.

20. A Member or former Member shall not disclose a decision or award or parts thereof prior to its publication in accordance with Annex 8. 21. A Member or former Member shall not at any time disclose the deliberations of the Tribunal.

21. A Member or former Member shall at any time disclose or use any non-public information concerning a proceeding or acquired during the proceeding except for the purposes of the proceeding and shall not, in any case, disclose or use such information to gain personal advantage or advantage for others or to affect adversely the interest of another.

19. No Member or former Member shall at any time disclose or use any non-public information concerning a proceeding or acquired during the proceeding, except for the purposes of that proceeding, and shall not, in particular, disclose or use any such information to a personal advantage or advantage for others or to affect the interest of others.

20. A Member or former Member shall not disclose a decision or award or parts thereof prior to its publication in accordance with Annex 8. 21. A Member or former Member shall not at any time disclose the deliberations of the Tribunal. 22. A Member or former Member shall not disclose or use at any time any non-public information concerning proceedings or acquired during the proceeding, 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.
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<td>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.</td>
<td>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.</td>
<td>Expenses 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 Panelists), 7 (Duties of Former Arbitrators) and 8 (Maintenance of Confidentiality) of this Code of Conduct shall also apply to experts, assistants and staff.</td>
<td>Expenses 9. Responsibilities of Experts, Assistants and Staff Paragraphs 2 (Responsibilities to the Process), 4 (Disclosure Obligations), 5(d) and 5(i) (Performance of Duties by Candidates and Panelists), 7 (Duties of Former Panelists) and 8 (Maintenance of Confidentiality) of this Code of Conduct shall also apply to experts, assistants and staff.</td>
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<td>Mediators 23. The disciplines described in this Code of Conduct applying to Members or former Members shall apply, mutatis mutandis, to mediators.</td>
<td>Mediators 21. This Code of Conduct applies, mutatis mutandis, to mediators.</td>
<td>Mediators 20. This Code of Conduct applies mutatis mutandis to mediators.</td>
<td>Mediators 20. This Code of Conduct applies mutatis mutandis to mediators.</td>
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**Others**

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.

- 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.

- Mediators 23. The disciplines described in this Code of Conduct applying to Members or former Members shall apply, mutatis mutandis, to mediators.

- 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.

- Mediators 21. This Code of Conduct applies, mutatis mutandis, to mediators.

- Expenses 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 Panelists), 7 (Duties of Former Arbitrators) and 8 (Maintenance of Confidentiality) of this Code of Conduct shall also apply to experts, assistants and staff.

- Expenses 9. Responsibilities of Experts, Assistants and Staff Paragraphs 2 (Responsibilities to the Process), 4 (Disclosure Obligations), 5(d) and 5(i) (Performance of Duties by Candidates and Panelists), 7 (Duties of Former Panelists) and 8 (Maintenance of Confidentiality) of this Code of Conduct shall also apply to experts, assistants and staff.

- 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.

- Mediators 20. This Code of Conduct applies mutatis mutandis to mediators.

- Mediators 9. Mediators The rules set out in this Code of Conduct as applying to Members or former Members of The Tribunal, The Appeal Tribunal and Mediators apply also to assistants and staff.

- Expenses 8. Each Member shall keep a record and render a final account of the time devoted to the procedure and of the expenses incurred by the panel or committee.
| PROVISION | NAFTA
(Only applicable to Chapter 19 and 20)
(Full text available [here]) | EU-Singapore IPA (ISDS)
(Annex 7 Code of Conduct for Members of The Tribunal, The Appeal Tribunal and Mediators) (FTA in force Nov. 21, 2019) (/w will enter into force when ratified by all EU MS)
(Full text available [here]) | Australia-Japan EPA (State-State)
(Full text available [here]) | CETA (State-State)
(Annex 29-B (State-State) (in force provisionally Sept. 21, 2017) (Code applicable to ISDS has not yet been published)
(Full text available [here]) | CPTPP (ISDS)
(Chapter 9, Section B, Code for ISDS) (in force Dec. 30, 2018)
(Full text available [here]) | CPTPP (State-State)
(Chapter 28, Annex I, Code of Conduct (State-State))
(Full text available [here]) | EU-Vietnam FTA (State-State)
(Annex 15-B (State-State) (Draft)
(Full text available [here]) | EU-Vietnam IPA (ISDS)
(Annex 11 Code of Conduct for Members of The Tribunal, The Appeal Tribunal and Mediators)
(Draft)
(Full text available [here]) |

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 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.

Definitions

In this Code of Conduct:

(a) “administrative staff” means, in respect of a panellist, individuals under the direction and control of a panellist, other than assistants;

(b) “assistant” means an individual who, under the terms of appointment of a panellist, conducts research or provides support for the panellist;

(c) “candidate” means an individual who is under terms of appointment of an panellist, conducts research or provides assistance to that panelist;

(d) “candidate” means an individual who is under terms of appointment of a panellist, conducts research or provides assistance to that panelist;

(e) “candidate” means an individual who is under terms of appointment of a panellist, conducts research or provides assistance to that panelist;

(f) “candidate” means an individual who is under terms of appointment of a panellist, conducts research or provides assistance to that panelist;

(g) “candidate” means an individual who is under terms of appointment of a panellist, conducts research or provides assistance to that panelist;

(h) “candidate” means an individual who is under terms of appointment of a panellist, conducts research or provides assistance to that panelist;

(i) “candidate” means an individual who is under terms of appointment of a panellist, conducts research or provides assistance to that panelist;

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(o) “candidate” means an individual who is under terms of appointment of a panellist, conducts research or provides assistance to that panelist;

(p) “candidate” means an individual who is under terms of appointment of a panellist, conducts research or provides assistance to that panelist;

(q) “candidate” means an individual who is under terms of appointment of a panellist, conducts research or provides assistance to that panelist;

(r) “candidate” means an individual who is under terms of appointment of a panellist, conducts research or provides assistance to that panelist;

(s) “candidate” means an individual who is under terms of appointment of a panellist, conducts research or provides assistance to that panelist;

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(V) “candidate” means an individual who is under terms of appointment of a panellist, conducts research or provides assistance to that panelist;

(W) “candidate” means an individual who is under terms of appointment of a panellist, conducts research or provides assistance to that panelist;

(X) “candidate” means an individual who is under terms of appointment of a panellist, conducts research or provides assistance to that panelist;

(Y) “candidate” means an individual who is under terms of appointment of a panellist, conducts research or provides assistance to that panelist;

(Z) “candidate” means an individual who is under terms of appointment of a panellist, conducts research or provides assistance to that panelist;

(Art. 31.8.2(d); Code of Conduct for Members of The Tribunal, The Appeal Tribunal and Mediators)

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<td>(a) “[Consultations and Dispute Settlement]; and staff, in respect of a panellist, means persons under the direction and control of the panellist, other than an assistant.”</td>
<td><a href="https://www.eiu.com">Full text available here</a></td>
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<td>(b) “candidate” means: (a) an individual whose name appears on a roster or list established under Annex 10-B.1 (Establishment of Binational Panels), Annex 10-B.3 (Extraordinary Challenge Procedure), Article 31.8 (Roster and Qualifications of Panelists), Annex 31-A (United States-Mexico Facility-Specific Rapid Response Labor Mechanism), or Annex 31-B (Canada-Mexico Facility-Specific Rapid Response Labor Mechanism); (b) an individual who is under consideration for appointment as a member of a panel under Annex 10-B.1 (Establishment of Binational Panels), Article 10.11 (Review of Statutory Amendments), Article 10.12 (Review of Final Antidumping and Countervailing Duty Determinations), Article 31.9 (Panel Composition), Annex 31-A (United States-Mexico Facility-Specific Rapid Response Labor Mechanism), or Annex 31-B (Canada-Mexico Facility-Specific Rapid Response Labor Mechanism); or (c) an individual who is under consideration for appointment as a member of a committee.</td>
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<td>EU-Mexico</td>
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Family member means the spouse of a candidate or member; or a parent, child, grandparent, grandchild, sister, brother, aunt, uncle, niece, or nephew of the candidate or member or spouse of the candidate or member, including whole and half blood relatives and step relatives; or the spouse of such an individual. A family member also includes any resident of a candidate’s or member’s household whom the candidate or member treats as a member of their family. Member means:

(a) a member of a panel constituted under Annex 10-B.1 (Establishment of Binational Panels), Article 10.11 (Review of Statutory Amendments), Article 10.12 (Review of Final Anti-dumping and Countervailing Duty Determinations), Article 31.6 (Establishment of a Panel), Article 31.9 (Panel Composition), Article 31.19 (Non-Implementation – Suspension of Benefits), Article 31-A.4.8 (Requests for Review and Remediation), Article 31-B.4.8 (Requests for Establishment of Rapid Response Labor Panel), or Article 31-B.5 (Requests for Establishment of Rapid Response Labor Panel);
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- **b)** a member of an extraordinary challenge committee constituted under Annex 10-B.3 (Extraordinary Challenge Procedure); or
- **c)** a member of a special committee constituted under Article 10.13 (Safeguarding the Panel Review System); participant has the meaning assigned in the Rules of Procedure for Article 10.12 (Binational Panel Reviews); Party means a Party to the Agreement; proceeding, unless otherwise specified, means:
  - **a)** a panel review under Article 10.11 (Review of Statutory Amendments) or Article 10.12 (Review of Final Antidumping and Countervailing Duty Determinations);
  - **b)** an extraordinary challenge proceeding under Annex 10-B.3 (Extraordinary Challenge Procedure);
  - **c)** a special committee proceeding under Article 10.13 (Safeguarding the Panel Review System);
  - **d)** a panel proceeding under Section A of Chapter 31 (Dispute Settlement); or
  - **e)** a proceeding under Annex 31-A (United States-Mexico Facility-Specific Rapid Response Labor Mechanism) or Annex 31-B (Canada-Mexico Facility-Specific Rapid Response Labor Mechanism); Rules mean the Rules of Procedure established under Article 10.12.14 (Review of Final Antidumping and Countervailing Duty)
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<th>Responsibilities during proceeding</th>
<th>Responsibilities to the Process</th>
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<td>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.</td>
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<td>Responsibilities to the Process 2. Each panelist shall avoid impropriety and the appearance of impropriety, shall be independent and impartial, shall avoid direct and indirect conflicts of interest and shall observe high standards of conduct so that the integrity and impartiality of the dispute settlement process is preserved. Former panelists must comply with the obligations in paragraphs 15, 16, 17 and 18.</td>
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<td>Responsibilities to the Process 2. Each panelist 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 panelists shall comply with the obligations established in paragraphs 18, paragraph 19 and paragraph 21.</td>
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<td>ii. Governing Principles 2. In order to preserve the integrity and impartiality of the dispute settlement mechanism, each candidate and arbitrator shall: (a) get acquainted with this Code of Conduct; (b) be independent and impartial; (c) avoid direct or indirect conflicts of interest; (d) avoid impropriety and the appearance of impropriety or bias; (e) observe high standards of conduct; and (f) not be influenced by self-interest, outside pressure, political considerations, public</td>
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<td>Determinations), Annex 10-B.3.2 (Extraordinary Challenge Procedure), or Annex 10-B.4 (Special Committee Procedures), and those established under Article 30.2.1(e) (Trade Commission) and Article 31.11 (Rules of Procedure for Panels); Secretariat means the Secretariat established under Article 30.6 (The Secretariat); and staff, in respect of a member, means persons under the direction and control of the member, other than assistants.</td>
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<td>2. Unless otherwise specified, a reference made in this Code to an Article, Annex, or Chapter is a reference to the appropriate Article, Annex, or Chapter of the Agreement.</td>
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<td>Article 3: Responsibilities to the Process 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.</td>
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### Article 3 Disclosure Obligations

1. Prior to their appointment as a Member to the Tribunal or Appeal Tribunal, candidates shall receive a copy of this Code of Conduct and disclose any past or present interest, relationship or matter that is likely to affect their independence or impartiality or that might reasonably create an appearance of impropriety or an appearance of impropriety or bias.

2. Prior to their appointment as a Member to the Tribunal, candidates shall receive a copy of this Code of Conduct and disclose any past or 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.

3. Prior to their appointment as a Member to the Tribunal or Appeal Tribunal, candidates shall receive a copy of this Code of Conduct and disclose any past or 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.

4. Prior to their appointment as a Member to the Tribunal or Appeal Tribunal, candidates shall receive a copy of this Code of Conduct and disclose any past or 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.

5. 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.

6. An arbitrator shall not use his or her position on the arbitration 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 him or her.

7. An arbitrator shall not enter any relationship or acquire any financial interest that is likely to affect his or her impartiality or that might reasonably create an appearance of impropriety or bias.

### Article 4 Disclosure Obligations

1. 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. An appearance of impropriety or an apprehension of bias is
or that might reasonably create an appearance of impropriety or bias in the proceedings. 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 such 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 that requires an arbitrator to disclose any such interests, relationships or matters that may arise during any stage of the proceeding. A candidate’s employer, business partner, business associate or family member in: (a) the panel proceeding or its outcome; and (b) an administrative proceeding, a domestic judicial proceeding or another international dispute settlement proceeding that involves issues that may be decided in the panel proceeding for which the candidate is under consideration; (ii) any financial interest of the candidate’s employer, business partner, business associate or family member in: (a) the panel proceeding or its outcome; and (b) an administrative proceeding, a domestic judicial proceeding or another international dispute settlement proceeding that involves issues that may be decided in the panel proceeding for which the candidate is under consideration; reasonable efforts to become aware of any such interests, relationships and matters. 4. A candidate or panellist shall only communicate matters concerning actual or potential violations of this Annex to the Commission for consideration by the Parties. 5. Once selected, a panellist shall continue to make all reasonable efforts to become aware of any interests, relationships or matters referred to in paragraph 3 and shall disclose them. The disclosure obligation is a continuing duty that requires a panellist to disclose any such interests, relationships or matters that may arise during any stage of the proceeding. The panellist shall disclose such interests, relationships, or matters by informing the Commission, in writing, for consideration by the Parties. 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 and matters. 5. Once selected, a panellist shall only communicate matters concerning actual or potential violations of this Annex to the Commission for consideration by the Parties. 4. Once selected, a panellist shall make all reasonable efforts to become aware of any such interests, relationships or matters. 3. Pursuant to paragraph 2, a Member appointed to a division 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 proceeding. To this end, that Member shall make all reasonable efforts to become aware of any such interests, relationships and matters. Therefore, that Member shall disclose, at a minimum and to the best of his knowledge, the following interests, relationships and matters: (a) any financial or personal interest of the Member in: (b) any financial or personal interest of the candidate in: (i) the panel proceeding or its outcome; and (ii) an administrative proceeding, a domestic judicial proceeding, or another international dispute settlement proceeding that involves issues that may be decided in the panel proceeding for which the candidate is under consideration; 3. Pursuant to paragraph 2, a Member appointed to a division 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 proceeding. To this end, that Member shall make all reasonable efforts to become aware of any such interests, relationships and matters. Therefore, that Member shall disclose, at a minimum and to the best of his knowledge, the following interests, relationships and matters: (a) any financial or personal interest of the Member in:
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<td>EU-Mexico Trade Agreement (as agreed on April 21, 2018) (ISDS) (Annex I to Chapter on Resolution of Investment Disputes (ISDS), Code of Conduct for Members of the Tribunal, the Appeal Tribunal and Mediators)</td>
<td>(i) the proceeding or its outcome; and (ii) an administrative proceeding, a domestic judicial proceeding or another international dispute settlement proceeding that involves issues that may be decided in the proceeding for which the Member is under consideration; (b) any financial interest of the Member’s employer, or professional partner or associate, or close family member; (c) any past or existing professional, family, or social relationship with any interested parties in the proceeding, or their counsel; (d) public advocacy or legal or other representation concerning an issue in dispute in the proceeding or involving a candidate’s relationship with any interested parties in the proceeding, or their counsel, or any such relationship involving a candidate’s employer, business partner, business associate or family member; and (v) public advocacy or legal or other representation concerning an issue in dispute in the panel proceeding or involving the same goods, services or investments. 9. Once appointed, a panellist shall continue to make all reasonable efforts to become aware of any interests, relationships or matters referred to in paragraph 8 and shall disclose them. The disclosure obligation under paragraph 8 is a continuing duty which requires a panellist to disclose any such interests, relationships or matters that may arise during any stage of the proceedings. 10. A candidate or a panellist shall communicate to the Parties, for their consideration, any matters concerning actual or potential violations of this Code of Conduct at the earliest time he or she becomes aware of them. [11] All communications shall be addressed to the office or offices designated by the Parties pursuant to Article XX (Administration of the Dispute Settlement Procedure) of</td>
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<td>EU-Mexico Trade Agreement (as agreed on April 21, 2018) (State-State) (Annex XX to Chapter on Dispute Settlement (State-State), Code of Conduct for panellists and mediators)</td>
<td>(i) the proceeding or its outcome; and (ii) an administrative proceeding, a domestic judicial proceeding or another international dispute settlement proceeding that involves issues that may be decided in the proceeding for which the Member is under consideration; (b) any financial interest of the Member’s employer, or professional partner or associate, or close family member; and (c) any past or existing professional, family, or social relationship with any interested parties in the proceeding, or their counsel; (d) public advocacy or legal or other representation concerning an issue in dispute in the proceeding or involving a candidate’s relationship with any interested parties in the proceeding, or their counsel, or any such relationship involving a candidate’s employer, business partner, business associate or family member; and (v) public advocacy or legal or other representation concerning an issue in dispute in the panel proceeding or involving the same goods, services or investments. 9. Once appointed, a panellist shall continue to make all reasonable efforts to become aware of any interests, relationships or matters referred to in paragraph 8 and shall disclose them. The disclosure obligation under paragraph 8 is a continuing duty which requires a panellist to disclose any such interests, relationships or matters that may arise during any stage of the proceedings. 10. A candidate or a panellist shall communicate to the Parties, for their consideration, any matters concerning actual or potential violations of this Code of Conduct at the earliest time he or she becomes aware of them. [11] All communications shall be addressed to the office or offices designated by the Parties pursuant to Article XX (Administration of the Dispute Settlement Procedure) of</td>
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<td>(i) the proceeding or its outcome; and (ii) an administrative proceeding, a domestic judicial proceeding or another international dispute settlement proceeding that involves issues that may be decided in the proceeding for which the candidate is under consideration; (b) any financial interest of the Member’s employer, or professional partner or associate, or close family member; and (c) any past or existing professional, family, or social relationship with any interested parties in the proceeding, or their counsel, or any such relationship involving a candidate’s employer, business partner, business associate or family member; and (v) public advocacy or legal or other representation concerning an issue in dispute in the panel proceeding or involving the same goods, services or investments. 9. Once appointed, a panellist shall continue to make all reasonable efforts to become aware of any interests, relationships or matters referred to in paragraph 8 and shall disclose them. The disclosure obligation under paragraph 8 is a continuing duty which requires a panellist to disclose any such interests, relationships or matters that may arise during any stage of the proceedings. 10. A candidate or a panellist shall communicate to the Parties, for their consideration, any matters concerning actual or potential violations of this Code of Conduct at the earliest time he or she becomes aware of them. [11] All communications shall be addressed to the office or offices designated by the Parties pursuant to Article XX (Administration of the Dispute Settlement Procedure) of</td>
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<td>the same investors or investments.</td>
<td>4. Throughout their term of office, Members shall at all times continue to make all efforts to become aware of any interests, relationships or matters referred to in paragraph 1 of this Article and disclose such interests, relationships or matters by informing the Parties.</td>
<td>5. Throughout the proceedings, Members appointed to a division have a continuing obligation to disclose interests, relationships and matters that may bear on the integrity or impartiality of the dispute settlement process and shall communicate matters concerning actual or potential violations of this Code of Conduct in writing to the Parties and the disputing parties.</td>
<td>6. Any doubt as to whether a Member should disclose certain interest, relationship or matter should be resolved in favour of disclosure.</td>
<td>Disclosure of an interest, relationship or matter is without prejudice as to whether the interest, relationship or matter is covered by this Code of Conduct, or whether it is inconsistent with Article 13, paragraph 1 (Ethics).</td>
<td>Disclosure of an interest, relationship or matter is without prejudice as to whether the interest, relationship or matter is covered by paragraph 1, 4, or 5.</td>
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### Duties of Members

1. Members shall perform their duties thoroughly and expeditiously throughout the course of the proceeding and shall do so with fairness and diligence towards the disputing parties and other Members.

2. Members shall consider only those issues raised in the proceeding and which are necessary for a decision or proceeding and which are necessary for a decision or proceeding and which are necessary for a decision and shall not delegate this duty to any other person.

### Duties of Panellists

1. A candidate or member shall not delegate this duty to any other person.

2. A candidate or member shall perform his or her duties thorough and expeditiously throughout the course of the proceeding and shall not delegate this duty to another person.

### Duties of Arbitrators

1. Upon acceptance of his or her appointment, an arbitrator shall be available to perform and shall perform his or her duties thoroughly and expeditiously throughout the course of the proceeding.

2. Selected, an arbitrator shall perform his or her duties thoroughly and expeditiously throughout the course of the proceeding with fairness and diligence.

3. An arbitrator shall consider only those issues raised in the proceeding and necessary for rendering a decision and shall not delegate the duty to decide to any other person unless otherwise provided under the Rules of Procedure.

### Duties of Mediators

1. Upon acceptance of his or her appointment, a mediator shall be available to perform his or her duties thoroughly and expeditiously throughout the course of the proceeding and shall not delegate this duty to any other person.

2. A mediator shall not deny other mediators the opportunity to participate in all aspects of the proceeding.

### Performance of Duties by Members

1. An arbitrator shall comply with the provisions of this Chapter and the applicable rules of procedure.

2. Selection, an arbitrator shall perform his or her duties thoroughly and expeditiously throughout the course of the proceeding and shall not delegate this duty to any other person.

3. A mediator shall consider only those issues raised in the proceeding and necessary for rendering a decision and shall not delegate the duty to decide to any other person unless otherwise provided under the Rules of Procedure.

4. An arbitrator shall comply with the relevant provisions of this Chapter and the applicable rules of procedure.

5. A mediator shall consider only those issues raised in the proceeding and necessary for rendering a decision and shall not delegate the duty to decide to any other person unless otherwise provided under the Rules of Procedure.

### Performance of Duties by Panellists

1. An arbitrator shall be available to perform and shall perform his or her duties thoroughly and expeditiously throughout the course of the proceeding.

2. Selected, an arbitrator shall perform his or her duties thoroughly and expeditiously throughout the course of the proceeding and shall not delegate this duty to any other person.

3. A mediator shall consider only those issues raised in the proceeding and necessary for rendering a decision and shall not delegate the duty to decide to any other person unless otherwise provided under the Rules of Procedure.

4. An arbitrator shall be available to perform and shall perform his or her duties thoroughly and expeditiously throughout the course of the proceeding and shall not delegate this duty to any other person.

5. A mediator shall consider only those issues raised in the proceeding and necessary for rendering a decision and shall not delegate the duty to decide to any other person unless otherwise provided under the Rules of Procedure.

6. An arbitrator shall be available to perform and shall perform his or her duties thoroughly and expeditiously throughout the course of the proceeding and shall not delegate this duty to any other person.

### Performance of Duties by Mediators

1. An arbitrator shall be available to perform and shall perform his or her duties thoroughly and expeditiously throughout the course of the proceeding and shall not delegate this duty to any other person.

2. A mediator shall consider only those issues raised in the proceeding and necessary for rendering a decision and shall not delegate the duty to decide to any other person unless otherwise provided under the Rules of Procedure.

3. An arbitrator shall be available to perform and shall perform his or her duties thoroughly and expeditiously throughout the course of the proceeding and shall not delegate this duty to any other person.

4. A mediator shall consider only those issues raised in the proceeding and necessary for rendering a decision and shall not delegate the duty to decide to any other person unless otherwise provided under the Rules of Procedure.

5. An arbitrator shall be available to perform and shall perform his or her duties thoroughly and expeditiously throughout the course of the proceeding and shall not delegate this duty to any other person.

6. A mediator shall consider only those issues raised in the proceeding and necessary for rendering a decision and shall not delegate the duty to decide to any other person unless otherwise provided under the Rules of Procedure.
3. Experts and assistants shall comply with the obligations incurred by Members pursuant to paragraphs 1 and 2, Article 2 (Independence and Impartiality of Members), paragraph 5 of Article 3 (Disclosure Obligations) and Article 6 (Confidentiality) of this Code of Conduct. In this regard, a Member shall take all reasonable measures and necessary steps to ensure that they are aware of, and comply with, such obligations.

4. Members shall not engage in ex parte contacts concerning the proceeding.

7. An arbitrator shall consider only those issues raised in the proceedings and necessary to rendering a decision and shall not delegate the duty to decide to any other person.

9. An arbitrator shall not engage in ex parte contact concerning the proceeding.

10. An arbitrator shall not communicate matters concerning actual or potential violations by another arbitrator unless the communication is to both disputing parties or is necessary to ascertain whether that arbitrator has violated or may violate this Annex.

8. A panelist shall take all reasonable steps to ensure that the panelist’s staff and assistants comply with this Annex.

11. A panelist shall promptly report to both Parties matters concerning actual or potential violations of this Annex by another panelist.

4. A member shall ensure that the Secretariat can, at all reasonable times, contact the member in order to conduct panel or committee business.

5. A member shall comply with the provisions of Chapter 10 (Trade Remedies) or Chapter 31 (Dispute Settlement) and the Rules.

6. A member shall not deny other members the opportunity to participate in all aspects of the proceeding.

7. 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 person, except as provided in the Rules.

8. A member shall take all reasonable steps to ensure that the member’s assistants and administrative staff comply with Article 3 (Responsibilities to the Process), Article 4 (Disclosure Obligations), Articles 5.5, 5.9, and 5.10 (Duties of Candidates and Members), and Article 8 (Confidentiality) of this Code.

9. A member shall not engage in ex parte contacts concerning the proceeding.

10. An arbitrator shall not delegate the duty to decide to any other person.
<table>
<thead>
<tr>
<th>Providence</th>
<th>Independence and Impartiality of Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Members must be independent and impartial and avoid impropriety and the appearance of impropriety or bias. They shall not avoid direct or indirect conflicts of interest and observe high standards of conduct so that the integrity and impartiality of the dispute settlement mechanism is preserved. They shall not be influenced by self-interest, outside pressure, political considerations, public clamour, loyalty to a Party or disputing party or fear of criticism.</td>
<td>Article 7: Independence and Impartiality of Members</td>
</tr>
<tr>
<td>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.</td>
<td>Article 4: Independence and Impartiality of Members</td>
</tr>
<tr>
<td>3. Members shall not use their position to advance any personal or private interests and shall avoid actions that may create the impression that they are in a position to be influenced by others.</td>
<td>Article 2: Independence and Impartiality of Members</td>
</tr>
<tr>
<td>4. Members shall not allow financial, business, professional, family or social relationships to influence them.</td>
<td>Article 2: Independence and Impartiality of Members</td>
</tr>
<tr>
<td>5. Governing Principles 3. In order to preserve the integrity and impartiality of the dispute settlement mechanism each candidate and panelist shall: (a) get acquainted with this Code of Conduct; (b) be independent and impartial; (c) avoid direct or indirect conflicts of interests; (d) avoid impropriety and the appearance of impropriety or bias; (e) respect the confidentiality of panel proceedings; (f) observe high standards of conduct; and (g) not be influenced by self-interest, outside pressure, political considerations, public clamour, loyalty to a Party or fear of criticism.</td>
<td>Article 4: Independence and Impartiality of Members</td>
</tr>
<tr>
<td>6. An arbitrator shall act in a fair manner and shall avoid creating an appearance of impropriety or bias. An arbitrator shall not be influenced by self-interest, outside pressure, political considerations, public clamour, loyalty to a Party or fear of criticism.</td>
<td>Article 10: Independence and Impartiality of Panellists</td>
</tr>
<tr>
<td>7. 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.</td>
<td>Article 10: Independence and Impartiality of Panellists</td>
</tr>
<tr>
<td>8. An arbitrator shall not use his or her position on the 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 or her.</td>
<td>Article 10: Independence and Impartiality of Panellists</td>
</tr>
<tr>
<td>9. An arbitrator shall make every effort to prevent or discourage others from representing themselves as being in such a position.</td>
<td>Article 10: Independence and Impartiality of Panellists</td>
</tr>
<tr>
<td>10. A candidate or member shall not use the member’s position on the panel to advance any personal or private interests. A candidate or member shall not allow financial, business, professional, family or social relationships or responsibilities to influence him or her conduct or judgement.</td>
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<td>11. A panellist shall not allow past or existing financial, professional, family or social relationships or responsibilities to influence him or her conduct or judgement.</td>
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<tr>
<td>12. A panellist shall act in a fair manner and avoid creating an appearance of impropriety or bias, and shall not be influenced by self-interest, outside pressure, political considerations, public clamour, loyalty to a Party or fear of criticism.</td>
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<td>13. A panellist shall not use his or her position on the panel to advance 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.</td>
<td>Article 10: Independence and Impartiality of Panellists</td>
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<td>14. A panellist 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.</td>
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<td>15. A panellist shall make every effort to prevent or discourage others from representing themselves as being in such a position.</td>
<td>Article 10: Independence and Impartiality of Panellists</td>
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<tr>
<td>16. A panellist shall not allow entering into a relationship or professional, family or social relationships or responsibilities to influence him or her conduct or judgement.</td>
<td>Article 10: Independence and Impartiality of Panellists</td>
</tr>
<tr>
<td>17. A panelist 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.</td>
<td>Article 10: Independence and Impartiality of Panellists</td>
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</table>
专业、职业、家庭或社会关系或责任，以影响其判
断。5. 成员必须避免与特定关系人建立关系，或
获得任何可能影响其行为或裁决的经济利益。
6. 成员应避免担任任何可能影响其行为或裁
决的角色，或获得任何可能影响其行为或裁
决的利益。
7. 如果争议方达成一致，可继续由原成员或
候选人担任仲裁庭成员。
8. 候选人或成员应在宪法上没有利益冲突或
声明利益冲突的情况下任职。
9. 每位前任仲裁员须在一年内不得参与由
同一争议方或同一案件的仲裁。
10. 前任仲裁员须在完成仲裁后的一年内不
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得参与由同一争议方或同一案件的仲裁。
or awards of the Tribunal or the Appeal Tribunal.
2. Without prejudice to Articles 11, paragraph 5 (Tribunal) and 12, paragraph 5 (Appeal Tribunal), Members shall undertake that after the end of their term, they shall not become involved:
(a) in any manner whatsoever in investment disputes which were pending before the Tribunal or the Appeal Tribunal before the end of their term; and/or
(b) in any manner whatsoever 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.
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.
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 to have acted inconsistently with the obligations set up in paragraphs 1 through 3, he shall examine the matter, provide the opportunity to the former Member to be heard, and, after verification, inform thereof.

PROVISION

EU-Mexico Trade Agreement (as agreed on April 21, 2018) (ISDS)
(Annex I to Chapter on Resolution of Investment Disputes (ISDS); Code of Conduct for Members of the Tribunal, the Appeal Tribunal and Mediators)
(Full text available here)

EU-Mexico Trade Agreement (as agreed on April 21, 2018) (State-State)
(Annex XX to Chapter on Dispute Settlement (State-State); Code of Conduct for panellists and mediators)
(Full text available here)

Indonesia-Australia CEPA (ISDS)
(Full text available here)

Indonesia-Australia CEPA (State-State)
(Annex 20-B Code of Conduct for Members of Panels (State-State))
(Full text available here)

Canada-Korea FTA (CKFTA) (State-State)
(Annex 18-B Code of Conduct for Members of Panels (State-State))
(Full text available here)

Australia-Hong Kong FTA (State-State)
(Full text available here)

United States-Mexico-Canada Agreement (USMCA) (State-State)
(Art. 31.8.2(d); Code of Conduct. Decision No. 1, Annex 3 (State-State))
(Full text available here)
PROVISION

EU-Mexico Trade Agreement (as agreed on April 21, 2018) (ISDS)
(Annex [I] to Chapter on Resolution of Investment Disputes (ISDS): Code of Conduct for Members of the Tribunal, the Appeal Tribunal and Mediators)

Indonesia-Australia CEPA (ISDS)

Indonesia-Australia CEPA
(Annex 20-B: Code of Conduct for Members of Panels (State-State)) (CEPA ratified by Australia in Nov. 2019, and Indonesia in Feb. 2020)

Canada-Korea FTA (CKFTA)
(State-State)
(Annex 21-B, Code of Conduct for Members of Panels (State-State))

Australia-Hong Kong FTA
(State-State)
(Annex 18-B (State-State))

EU-UK Trade and Cooperation Agreement

United States-Mexico-Canada Agreement (USMCA) (State-State)
(Art. 31.8.2(d), Code of Conduct Decision No. 1, Annex 3 (State-State))

Full text available here

(b) the professional body or other such institution with which that former Member is affiliated;
(b) the Contracting Parties; and
(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 the actions referred to in subparagraphs (a), (b) and (c) above, together with the reasons therefor.

Confidentiality

1. No Members or former Members shall at any time disclose or use any non-public information concerning a proceeding or acquired during a 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 adversely affect the interest of others.

2. No Members shall disclose a decision or award or parts thereof prior to its publication in accordance with the transparency provisions of Article 19 (Transparency of the Proceedings) of Section X (Resolution of Investment Disputes) or applicable.

3. No Members or former Members shall at any time disclose the deliberations of the Tribunal or Appeal Tribunal, or any Member’s

VI. Confidentiality

16. An arbitrator shall not, at any time, disclose any non-public information concerning a proceeding or acquired during the proceedings for which he or she has been appointed. A panelist 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.

VI. Confidentiality

16. An arbitrator shall not, at any time, disclose any non-public information concerning a proceeding or acquired during the proceedings for which he or she has been appointed. An arbitrator 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.

VI. Article 8: Confidentiality

16. An arbitrator shall not, at any time, disclose any non-public information concerning the proceedings or acquired during the proceedings for which he or she has been appointed. A panelist 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.

17. An arbitrator shall not disclose a report or decision of the panel or any part thereof prior to its publication in accordance with Chapter X (Dispute Settlement).

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18. A panelist shall not, at any time, disclose the deliberations of a panel, or any panelist’s view, nor make any statements on the proceedings for which he or she has been appointed or on the issues in dispute in the proceedings. In the event the

Maintenance of Confidentiality

19. Except for the purposes of the proceedings, a panellist or former panellist shall not disclose any non-public information concerning the proceedings or acquired during the proceedings for which he or she has been appointed. An arbitrator shall not, in any case, disclose or use any such information to gain personal advantage or advantage for others, or to adversely affect the interests of others.

VI. Article 8: Confidentiality

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18. A panelist shall not disclose a report or decision of the panel or any part thereof prior to its publication in accordance with Chapter X (Dispute Settlement).

19. An arbitrator shall not disclose a report or decision of the panel or any part thereof prior to its publication in accordance with Chapter X (Dispute Settlement).

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.

Confidentiality

16. Neither a panellist nor a former panellist shall disclose or use, at any time, non-public information concerning a proceeding or acquired during the proceeding except for the purposes of that proceeding, or disclose or use any such information to gain personal advantage or advantage for others to or adversely affect the interest of others.

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VI. Article 8: Confidentiality

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| Views, whatever they may be. A Member shall not make a public statement regarding the merits of a pending proceeding. | A Member or former member shall not at any time disclose which panelists are associated with majority or minority opinions in a panel proceeding under Chapter [X] (Dispute Settlement). (fn 2 Note: check the plural (scrubbing)) | Appointed or on the issues in dispute in the proceedings. | Safeguarding the Panel Review System 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 10.13 proceeding. 4. A member shall not disclose a panel report issued under Chapter 31 (Dispute Settlement) 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 31. 5. 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. 6. A member shall not make a public statement regarding the merits of a pending proceeding. |
| VII. Expenses 19. Each panelist shall keep a record and render a final account of the time devoted to the proceedings and of his or her expenses, as well as the time and expenses of his or her assistants and administrative staff. | VII. Expenses 18. Each arbitrator shall keep a record and render a final account of the time devoted to the proceedings and of his or her expenses, as well as the time and expenses of his or her assistants and administrative staff. | Article 9: Responsibilities of Assistants, Experts, and Staff: Article 3 (Responsibilities to the Process), Article 4 (Disclosure Obligations), Articles 5.5, 5.9, and 5.10 (Duties of Candidates and Members), and Article 8 (Confidentiality) of this Code apply also to assistants, experts, and staff. | Other | Article 7 Expenses Each Member shall keep a record and render a final account of the time devoted to the procedure and of the expenses incurred, as well as the time and expenses of their assistant. | Article 8 Mediators The rules set out in this Code of Conduct as applying to Members or former Members | Article 9: Responsibilities of Assistants, Experts, and Staff: Article 3 (Responsibilities to the Process), Article 4 (Disclosure Obligations), Articles 5.5, 5.9, and 5.10 (Duties of Candidates and Members), and Article 8 (Confidentiality) of this Code apply also to assistants, experts, and staff. | United States-Mexico-Canada Agreement (USMCA) (State-State) |

### Other Articles

**Article 7 Expenses**
- Each Member shall keep a record and render a final account of the time devoted to the procedure and of the expenses incurred, as well as the time and expenses of their assistant.

**Article 8 Mediators**
- The rules set out in this Code of Conduct as applying to Members or former Members
**I. Scope**

The President of the Tribunal or of the Appeal Tribunal shall be assisted by a Consultative Committee for ensuring the proper application of this Code of Conduct, Article 13 (Ethics) and for the execution of any other task, where so provided.

2. The President of the Tribunal and the President of the Appeal Tribunal shall be assisted by Consultative Committees composed of the two most senior Members of the Tribunal or of the Appeal Tribunal.

**Definitions/Scope**

Definitions 21. For the purposes of this Annex: (a) assistant means a person who, under the terms of appointment of an arbitrator, conducts research or provides support for the arbitrator; (b) arbitrator means a member of an arbitral tribunal established under Section 8 of this Chapter; (c) proceeding, unless otherwise specified, means the proceedings of an arbitral panel established under Article 15.7.

Definitions 22. For the purposes of this Annex: assistant means a person who, under the terms of appointment of a panelist, conducts research or provides support for the panelist; panelist means a member of a panel established under Article 20.8; proceeding, unless otherwise specified, means a panel proceeding under Chapter 8.

Definitions

1. For purposes of this Annex, “assistant” means a member of a tribunal appointed under Article 27 of Arbitrators) of Chapter 8 (Investment) or Article 5 (Composition of Arbitral Tribunals) of Chapter 16 (Dispute Settlement).

2. For purposes of this Code of Conduct, “arbiter” means a member of a tribunal established under Article 24 of Arbitrators) of Chapter 8 (Investment) or Article 5 (Composition of Arbitral Tribunals) of Chapter 16 (Dispute Settlement).
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<tr>
<th>PROVISION</th>
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<tr>
<td>Australia-China FTA (ISDS) (Annex 9-A, Code of Conduct applicable to ISDS)</td>
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proceeding, unless otherwise specified, means the proceeding of an arbitral tribunal under Section B of this Chapter; and staff, in respect of an arbitrator, means persons under the direction and control of the arbitrator, other than assistants.

proceeding under this Chapter; and staff, in respect of a panellist, means persons under the direction and control of the panellist, other than assistants.

Investment or Chapter 16 (Dispute Settlement).

(a) An individual whose name appears on the contingent list established under Article 21.7.4 (Establishment of Panel), or (b) an individual who is under consideration for appointment as a member of a panel pursuant to Article 13.18.3 (Financial Services Dispute Settlement) or Article 21.7.3 (Establishment of a Panel); (c) expert means an individual or body providing information or technical advice as set forth in Article 21.8.3; (d) member means a member of a panel constituted pursuant to Article 13.18 or 21.7; (e) office means the office that a Party designates under Article 21.3, which shall not be considered a part of the Party, for providing administrative assistance and remuneration to panels; (f) Party means a Party to the Agreement; (g) proceeding, unless otherwise specified, means (A) a panel proceeding under Chapter 21, or (B) a proceeding in a dispute arising under Chapter 13 to which Chapter 21 applies; (h) responsible office means the office of the Party complained against; and (i) 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 comply with Parts IV or VII of this Code of Conduct. The Parties may agree to exempt any covered person, other than a panellist, from application of a part or all of this Code of Conduct. II. Governing Principle Each panellist shall be independent and impartial, and shall avoid direct or indirect conflicts of interest. Furthermore, each panellist and former panellist shall respect the confidentiality of proceedings of the arbitral panel. Through the observance of such standards of conduct the integrity and impartiality of dispute settlement proceedings conducted pursuant to Chapter 21 of the Australia-Chile Free Trade Agreement are preserved.

miembro: un integrante de un grupo arbitral formalmente constituido con arreglo al Artículo 19.08; personal: las personas que, sin ser asistentes, se encuentran bajo la dirección y control de un miembro; y Procedimiento: un procedimiento ante un grupo arbitral con arreglo al Capítulo 19, salvo disposición en contrario. 2. Cualquier referencia en este Código a un Artículo, Anexo o Capítulo, se entiende al Artículo, Anexo o Capítulo correspondiente del Tratado digno de consideración para un integrante o miembro es aquellos que pueden estar mejor calificados para el servicio, privando así a las terceras Partes de los servicios que de aquellas en cuestión dispone, en virtud de su conocimiento de todas las circunstancias pertinentes que una investigación razonable podría arrojar, concluyendo que se encuentra menospreciado la capacidad del candidato o miembro para llevar a cabo sus deberes con honradez, independencia, imparcialidad y de manera competente. 3. Sin embargo, este objetivo no debe ser interpretado de forma que la carga de realizar revelaciones detalladas haga imposible a los juristas o las personas del personal empresarial servir como miembros, privando así a las Partes contendientes y a las terceras Partes de los servicios de aquellas quienes pueden estar mejor calificados para servir como miembros. Consecuentemente, los candidatos y miembros no deben ser requeridos a revelar intereses, relaciones o asuntos cuyo influjo en su función sería trivial sobre el procedimiento.
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<th>Article, Annex or Chapter of the Agreement.</th>
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<tr>
<td>2. Statement of Principles</td>
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<td>(a) 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.</td>
<td>(b) 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 on the basis of disclosures made.</td>
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<td>Central America-Mexico FTA (State-State) (Art. 17.9-6(d); Código de Conducta. Decisión No. 5, Anexo 2 (State-State)) (Spanish)</td>
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| Full text available [here](#) | Full text available [here](#) | Full text available [here](#) | Full text available [here](#) | Full text available [here](#) | Full text available [here](#) | Full text available [here](#) | Full text available [here](#) |
| **Responsibilities during proceeding** | **Responsibilities to the Process 1. Every 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 process are preserved. Former arbitrators shall comply with the obligations established in paragraphs 16, 17, 18 and 19.** | **Responsibilities to the Process 2. Every 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 process are preserved. Former arbitrators shall comply with the obligations established in paragraphs 17 through 20.** | **Responsibilities to the Process 1. Every panelist 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 process are preserved. Former panelists shall comply with the obligations established in paragraphs 16 through 19.** | **Responsibilities to the Process 1. Every 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 process are preserved. Former arbitrators shall comply with the obligations established in paragraphs 17, 18, 19 and 20.** | **3. Responsibilities to the Process** | **II. Observation of the Governing Principle** |
| **PROVISION** | **Australia-China FTA (ISDS) (Annex 9-A, Code of Conduct applicable to ISDS)** | **Australia-China FTA (State-State) (Annex 15-A, Code of Conduct (State-State))** | **Australia-Republic of Korea FTA (KATFA) (State-State) (Annex 20-A, Code of Conduct (State-State))** | **Australia-Singapore FTA (SAFTA) (ISDS & State-State) (Annex 7, Code of Conduct for Arbitrators appointed under ISDS & State-State)** | **Australia-United States FTA (State-State) (Art. 21.7.5(b); Chapter 20, Annex 3) (State-State)** | **Australia-Chile FTA (State-State) (Art. 21.7.5(d); Rules of Procedure, Appendix (State-State))** | **Central America-Chile FTA (State-State) (Art. 17.9.4(d); Código de Conducta, Decisión No. 5, Anexo 2 (State-State) (Spanish))** | **Central America-Mexico FTA (State-State) (Full text available here)** |
| **Full text available here** | **Full text available here** | **Full text available here** | **Full text available here** | **Full text available here** | **Full text available here** | **Full text available here** | **Full text available here** | **Full text available here** |

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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.

Disclosure Obligations

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<td>(a) any financial interest of the candidate’s employer, partner, business associate or family member in</td>
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<td>(A) the proceeding or in its outcome, and (B) an administrative proceeding, a domestic court proceeding or another panel proceeding that involves issues that may be decided in the proceeding for which the candidate is under consideration; (iii) 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 (vi) privacy public advocacy or legal or other representation concerning an issue in dispute in the proceeding or involving the same goods.</td>
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<td>(c) Once appointed, a member shall continue to make all reasonable efforts to become aware of any interests, relationships or matters referred to in paragraph 4 and shall disclose them. The obligation to disclose is a continuing duty which requires a member to disclose any such interests, relationships and matters that may arise during any stage of the proceeding.</td>
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<td>(d) In the event of any uncertainty regarding whether an interest, relationship, or matter must be disclosed</td>
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under subparagraph (b) or (c), a candidate or member should err in favor of disclosure. Disclosure of an interest, relationship, or matter is without prejudice as to whether the interest, relationship, or matter is covered by subparagraph (b) or (c), or whether it warrants recusal, amelioration, or disqualification.

(e) A candidate shall disclose any interests, relationships, and matters described in subparagraph (b) by completing an Initial Disclosure Statement provided by the responsible office and sending it to the responsible office. A member shall disclose such interests, relationships and matters by communicating them in writing to the responsible office for consideration by the Parties.

(f) The disclosure obligations set out in subparagraphs (a) through (e) 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.
PROVISION

4. An arbitrator shall perform the duties and responsibilities assigned to him or her in accordance with the provisions of this Chapter and the applicable rules of procedure.

5. On selection, an arbitrator shall notify the parties of the decision and shall not delegate the duty to decide to any other person.

6. An arbitrator shall not delegate any other arbitrator the opportunity to participate in all aspects of the proceeding.

7. An arbitrator shall consider only those issues raised in the proceeding and necessary to render a decision and shall not delegate the duty to decide to any other person.

8. An arbitrator shall consider all aspects of the proceeding.

9. An arbitrator shall consider all aspects of the proceeding.

10. An arbitrator shall not engage in ex parte contacts concerning actual or potential violations of this Annex by another arbitrator unless the communication is to both disputing parties or is necessary to ascertain whether that arbitrator has violated or may violate this Annex.

Duties

Performance of Duties by Arbitrators

5. An arbitrator shall comply with the provisions of this Chapter and the applicable rules of procedure.

6. On selection, a panelist shall perform his or her duties thoroughly and expeditiously throughout the course of the proceeding with fairness and diligence.

7. A panelist shall not deny other panelists the opportunity to participate in all aspects of the proceeding.

8. A panelist shall consider only those issues raised in the proceeding and necessary to render a decision and shall not delegate the duty to decide to any other person.

9. A panelist shall consider all aspects of the proceeding.

10. A panelist shall not engage in ex parte contacts concerning actual or potential violations of this Annex by another arbitrator unless the communication is to both disputing parties or is necessary to ascertain whether that arbitrator has violated or may violate this Annex.

5. The Performance of Duties by Candidates and Members

(a) A candidate or member shall not delegate the duty to decide to any other person.

(b) A candidate or member shall not delegate the duty to decide to any other person.

(c) A candidate or member shall not delegate the duty to decide to any other person.

(d) A candidate or member shall not delegate the duty to decide to any other person.

(e) A candidate or member shall not delegate the duty to decide to any other person.

(f) A candidate or member shall not delegate the duty to decide to any other person.

(g) A candidate or member shall not delegate the duty to decide to any other person.

(h) A candidate or member shall not delegate the duty to decide to any other person.

(i) A candidate or member shall not delegate the duty to decide to any other person.

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5. Performance of Duties by Arbitrators

A. An arbitrator shall comply with the provisions of this Chapter and the applicable rules of procedure.

B. An arbitrator shall perform his or her duties thoroughly and expeditiously throughout the course of the proceeding.

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1. An arbitrator shall not engage in ex parte contacts concerning the proceeding.

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11. An arbitrator shall be independent and impartial. An arbitrator shall act in a fair manner and shall avoid creating an appearance of impropriety or bias. 12. An arbitrator shall not be influenced by self-interest, outside pressure, political considerations, public clamour, loyalty to a Party or a dispute party or fear of criticism.

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 the arbitrator’s duties.

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.

15. An arbitrator shall not allow past or existing independence and impartiality of arbitrators.

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**Maintenance of Confidentiality**

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<td>Duties in Certain Situations: a. A member shall not allow past or existing financial, business, professional, family or social relationships or responsibilities to influence the arbitrator’s impartiality or that might reasonably create an appearance of impropriety or bias.</td>
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<td>Duties in Certain Situations: c. A member shall avoid entering into any relationship, or acquiring any financial interest, that is likely to affect the arbitrator’s impartiality or that might reasonably create an appearance of impropriety or bias.</td>
</tr>
<tr>
<td>10.</td>
<td>Duties in Certain Situations: d. A member shall avoid entering into any relationship, or acquiring any financial interest, that is likely to affect the arbitrator’s impartiality or that might reasonably create an appearance of impropriety or bias.</td>
</tr>
<tr>
<td>11.</td>
<td>Duties in Certain Situations: e. A member shall avoid entering into any relationship, or acquiring any financial interest, that is likely to affect the arbitrator’s impartiality or that might reasonably create an appearance of impropriety or bias.</td>
</tr>
<tr>
<td>12.</td>
<td>Duties in Certain Situations: f. A member shall avoid entering into any relationship, or acquiring any financial interest, that is likely to affect the arbitrator’s impartiality or that might reasonably create an appearance of impropriety or bias.</td>
</tr>
<tr>
<td>13.</td>
<td>Duties in Certain Situations: g. A member shall avoid entering into any relationship, or acquiring any financial interest, that is likely to affect the arbitrator’s impartiality or that might reasonably create an appearance of impropriety or bias.</td>
</tr>
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<td>14.</td>
<td>Duties in Certain Situations: h. A member shall avoid entering into any relationship, or acquiring any financial interest, that is likely to affect the arbitrator’s impartiality or that might reasonably create an appearance of impropriety or bias.</td>
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<td>15.</td>
<td>Duties in Certain Situations: i. A member shall avoid entering into any relationship, or acquiring any financial interest, that is likely to affect the arbitrator’s impartiality or that might reasonably create an appearance of impropriety or bias.</td>
</tr>
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<td>16.</td>
<td>Duties in Certain Situations: j. A member shall avoid entering into any relationship, or acquiring any financial interest, that is likely to affect the arbitrator’s impartiality or that might reasonably create an appearance of impropriety or bias.</td>
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<td>17.</td>
<td>Duties in Certain Situations: k. A member shall avoid entering into any relationship, or acquiring any financial interest, that is likely to affect the arbitrator’s impartiality or that might reasonably create an appearance of impropriety or bias.</td>
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<td>Duties in Certain Situations: l. A member shall avoid entering into any relationship, or acquiring any financial interest, that is likely to affect the arbitrator’s impartiality or that might reasonably create an appearance of impropriety or bias.</td>
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<td>19.</td>
<td>Duties in Certain Situations: m. A member shall avoid entering into any relationship, or acquiring any financial interest, that is likely to affect the arbitrator’s impartiality or that might reasonably create an appearance of impropriety or bias.</td>
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<td>20.</td>
<td>Duties in Certain Situations: n. A member shall avoid entering into any relationship, or acquiring any financial interest, that is likely to affect the arbitrator’s impartiality or that might reasonably create an appearance of impropriety or bias.</td>
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</table>

**Confidentiality**

<table>
<thead>
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<th>Description</th>
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<tbody>
<tr>
<td>1.</td>
<td>Maintenance of Confidentiality.</td>
</tr>
<tr>
<td>5.</td>
<td>Maintenance of Confidentiality.</td>
</tr>
<tr>
<td>7.</td>
<td>Maintenance of Confidentiality.</td>
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</table>

**Provisions**

- **Australia-China FTA (ISDS)** (Annex 9-A, Code of Conduct applicable to ISDS)
- **Australia-China FTA (State-State)** (Annex 15-A, Code of Conduct (State-State))
- **Australia-Republic of Korea FTA (KAFTA) (State-State)** (Annex 20-A, Code of Conduct for Arbitrators appointed under ISDS & State-State)
- **Australia-Singapore FTA (SAFTA) (ISDS & State-State)** (Annex 7, Code of Conduct for Arbitrators appointed under ISDS & State-State)
- **Australia-United States FTA (State-State)** (Art. 17.5(b), Chapter 20, Annex 3) (State-State)
- **Australia-Chile FTA (State-State)** (Art. 21.7.5(d), Rules of Procedure, Appendix (State-State))
- **Central America-Chile FTA (State-State)** (Art. 19.10.1(d); Capítulo 19, Código de Conducta. Decisión No. 5, Anexo No. 2 (State-State); Spanish)
- **Central America-Mexico FTA (State-State)** (Art. 17.9-6(d); Código de Conducta. Decisión No. 5, Anexo 2 (State-State); Spanish)
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.

19. An arbitrator shall not disclose the deliberations of an arbitral tribunal, or any arbitrator’s view, except as required by legal or constitutional requirements.

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.

21. A panelist or former panelist shall not at any time disclose the deliberations of a panel, or any panelist’s view except as required by law.

22. No panelist or former panelist shall disclose a panel report issued under Chapter 21 prior to its publication.

23. A covered person shall not at any time disclose which panelists are associated with majority or minority opinions in a proceeding under Chapter 21.

24. 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.

25. A member shall not disclose the deliberations of a tribunal, or any member’s view except as required by law.

26. 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.

27. A juridical person shall not disclose which majority or minority opinions are expressed in a final report issued under Chapter 21.

28. 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.

29. A member or former member shall not at any time disclose the deliberations of a panel, or any member’s view, except as required by law.

30. A covered person shall at any time use such information to gain personal advantage or advantage for others.

31. No member, member or ex-member shall disclose any major or minority opinions in a final report issued under Chapter 21.

32. 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.

33. A juridical person or ex-member shall at any time disclose which majority or minority opinions are expressed in a final report issued under Chapter 21.

34. 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.

35. An arbitrator or member shall not disclose the deliberations of a panel or a member’s view, except as required by law.
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</table>

**Others**

Additional procedures relating to disputes under Chapter 16 (Dispute Settlement):

For the purposes of paragraphs 21, 22, 23 and 24; “arbiter” means a member of a tribunal appointed under Article 5 (Composition of Arbitral Tribunals) of chapter 16 (Dispute Settlement); and “proceeding” means a tribunal proceeding under Chapter 16 (Dispute Settlement).

21. If a Party considers that an arbiter has violated the Code of Conduct, it shall notify the other Party and seek to reach agreement as to whether or not there has been a violation no later than 10 days after the notification.

22. If the Parties agree that an arbiter has violated this Code of Conduct, they may remove the arbiter, waive the violation, or request the arbiter to take steps within a specified time period to cease or ameliorate the violation. If the Parties agree to waive the violation or determine that, after taking steps, the violation has ceased, the arbiter may continue to serve on the tribunal.

23. If a selected arbiter is removed pursuant to paragraph 22, the Parties shall select a replacement as expeditiously as possible in accordance with the selection procedure that was followed to select that arbiter pursuant to Article 5 (Composition of Arbitral Tribunals) of Chapter 16 (Dispute Settlement).

9. Responsibilities of Assistants and Staff

Paragraphs 3 (Responsibilities to the Process), 4 (Disclosure Obligations), and 8 (Maintenance of Confidentiality) of this Code of Conduct apply also to experts, assistants, and staff.

Responsabilidad de los asistentes y del personal

24. Las disposiciones de este Código de Conducta se aplicarán también a los asistentes y al personal.
1. El presente Código de Conducta se aplicará a quienes participen en los procedimientos de solución de controversias que surjan de conformidad con el Capítulo 18 del Tratado.

2. Para los efectos de este Código, se entenderá por:
   a) asistente de arbitro: una persona que realiza investigaciones y le proporciona apoyo a un arbitro o al tribunal arbitral;  
   b) arbitro: un árbitro de un tribunal arbitral designado de conformidad con el Artículo 18.14 del Tratado;  
   c) candidato:  
   d) candidato:  
   e) arbitro:  
   f) asistente de arbitro:  
   g) asistente de arbitro:  
   h) asistente de arbitro:  
   i) asistente de arbitro:  
   j) asistente de arbitro:  

3. En el procedimiento previsto en la Cláusula 18.14 del Tratado, se entenderá por:
   a) asistente de arbitro:  
   b) asistente de arbitro:  
   c) asistente de arbitro:  
   d) asistente de arbitro:  
   e) asistente de arbitro:  
   f) asistente de arbitro:  
   g) asistente de arbitro:  
   h) asistente de arbitro:  
   i) asistente de arbitro:  
   j) asistente de arbitro:  

4. Any time period applicable to a proceeding shall be suspended for a period beginning on the date an arbitrator dies, withdraws, is removed, is authorized to take steps to cease or ameliorate a violation, or otherwise becomes unavailable, and ending on the date specified for taking steps to cease or ameliorate the violation, a replacement is selected, or the violation has ceased.

5. Any time period applicable to a proceeding shall be suspended for a period beginning on the date an arbitrator dies, withdraws, is removed, is authorized to take steps to cease or ameliorate a violation, or otherwise becomes unavailable, and ending on the date specified for taking steps to cease or ameliorate the violation, a replacement is selected, or the violation has ceased.

6. Any time period applicable to a proceeding shall be suspended for a period beginning on the date an arbitrator dies, withdraws, is removed, is authorized to take steps to cease or ameliorate a violation, or otherwise becomes unavailable, and ending on the date specified for taking steps to cease or ameliorate the violation, a replacement is selected, or the violation has ceased.

7. Any time period applicable to a proceeding shall be suspended for a period beginning on the date an arbitrator dies, withdraws, is removed, is authorized to take steps to cease or ameliorate a violation, or otherwise becomes unavailable, and ending on the date specified for taking steps to cease or ameliorate the violation, a replacement is selected, or the violation has ceased.
<table>
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<tr>
<th>PROVISION</th>
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<th>Dominican Republic–Central America–US FTA (CAFTA-DR) (State-State)</th>
<th>Chile–Korea FTA (State-State)</th>
</tr>
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<tr>
<td>i) una persona cuyo nombre aparece en la lista establecida de conformidad con el artículo 18.12 del Tratado, o ii) una persona que esté considerada para ser designada en un procedimiento como árbitro, conciliador, mediador, asesor o experto, entre otros.</td>
<td>(b) a person who is under consideration for appointment as a panelist, conciliator, mediator, assistant or expert; expert means a person or body providing information or technical advice as set forth in Article 21.12 (Role of Experts); family member means: (a) the spouse of the panelist or candidate; (b) relatives up to the fourth degree of blood, including a parent, child, grandparent, grandchild, sister, brother, aunt, uncle, niece, or nephew of the panelist or candidate (including whole and half blood relatives and step relatives), or the spouse of such person; or (c) relatives up to the second degree of affinity.</td>
<td>(B) an individual who is under consideration for appointment as a member of a panel pursuant to Article 12.18 (Dispute Settlement), Article 16.7 (Labor Roster), Article 17.11 (Environmental Roster), or Article 20.9 (Panel Selection); (iv) disputing party means a complaining Party or a Party complained against; (v) expert means a person or body providing information or technical advice as set forth in Article 20.12 (Role of Experts); (vi) family member means the spouse of the member or candidate; or a parent, child, grandparent, grandchild, sister, brother, aunt, uncle, niece, or nephew of the member or candidate or spouse of the member or candidate (including whole and half blood relatives and step relatives); or the spouse of such a person. Family member also includes any resident of a member’s or candidate’s household whom the member or candidate treats as a member of his or her family; (b) on an individual who is under consideration for appointment as a member of a panel pursuant to Article 12.18 (Dispute Settlement), Article 16.7 (Labor Roster), Article 17.11 (Environmental Roster), or Article 20.9 (Panel Selection); (iv) disputing party means a complaining Party or a Party complained against; (v) expert means a person or body providing information or technical advice as set forth in Article 20.12 (Role of Experts); (vi) family member means the spouse of the member or candidate; or a parent, child, grandparent, grandchild, sister, brother, aunt, uncle, niece, or nephew of the member or candidate or spouse of the member or candidate (including whole and half blood relatives and step relatives); or the spouse of such a person. Family member also includes any resident of a member’s or candidate’s household whom the member or candidate treats as a member of his or her family;</td>
<td>direction and control of the member, other than assistants.</td>
</tr>
<tr>
<td>Cumplimiento del Código de Conducta 3. De conformidad con el Artículo 18.13.2 del Tratado, los árbitros deberán cumplir con el Código de Conducta aprobado por la Comisión Administradora del Tratado. Asimismo, deberán cumplir con el Código de Conducta los asistentes de árbitros, asesores y representantes de las Partes contendientes; personal administrativo; quienes recibirán de las Partes contendientes una copia de este Código de Conducta tan pronto sean designados.</td>
<td>(d) procedimiento: un procedimiento de un tribunal arbitral.</td>
<td>(Annex 19.7 Code of Conduct for Members of Panels (State-State))</td>
<td></td>
</tr>
<tr>
<td>Provision</td>
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Against, unless otherwise agreed by the Parties; rules of procedure means the Rules of Procedure established by the Free Trade Commission in accordance with Article 21.10 (Rules of Procedure); and staff, in respect of a panelist, means persons under the direction and control of the panelist, other than assistants.

2. Any reference made in this Code of Conduct to an Article, Chapter, or Annex is a reference to the appropriate Article, Chapter, or Annex of the Agreement.

2. Statement of Principles

2. Any reference made in this Code of Conduct to an Article, Chapter, or Annex is a reference to the appropriate Article, Chapter, or Annex of the Agreement.

(x) proceeding, unless otherwise specified, means a panel proceeding under Chapter Twenty (Dispute Settlement); (xi) responsible office means the office of the Party complained against; (xii) Rules mean the Rules of Procedure established by the Commission in accordance with Article 20.10 (Rules of Procedure); (xiii) staff, in respect of a member, means persons under the direction and control of the member, other than assistants; and (xiv) third Party means a Party, other than a disputing Party, that delivers a written notice in accordance with Article 20.11 (Third Party Participation).

(b) Any reference made in this Code of Conduct to an Article, Chapter, or Annex is a reference to the appropriate Article, Chapter, or Annex of the Agreement.

2. Statement of Principles

(a) 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 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 panelist’s ability to carry out the duties with integrity, impartiality, and competence is impaired. Each panelist and former panelist shall respect the confidentiality of proceedings of the panel.
<table>
<thead>
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<th>Provision</th>
<th>Colombia-El Salvador, Guatemala, and Honduras FTA (State-State)</th>
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<td>Art. 18.13.2; Código de Conducta, Decisión No. 8, Anexo (State-State) (Spanish)</td>
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4. The disclosure obligation set out in this Code of Conduct 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 panelists, thereby depriving the Parties of the services of those who might be best qualified to serve as panelists. Thus, candidates and panelists should not be called upon to disclose interests, relationships, or matters whose bearing on their role in the proceeding would be trivial.

5. This Code of Conduct does not determine whether or under what circumstances the Parties will disqualify a candidate from being appointed to, or a panelist serving on, a panel on the basis of disclosures made.

3. Responsibilities to the Process
2. Every candidate and member 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 are preserved. Former members shall comply with the obligations established in Sections V and VI of this Code of Conduct.

Responsibilities during proceeding
Deberes respecto del procedimiento
5. Los árbitros deberán ser honestos, se comportarán con independencia e imparcialidad, evitarán conflictos de intereses, directos e indirectos, y observarán las más altas normas de conducta, de forma tal que se mantenga la integridad e imparcialidad del sistema de solución de controversias. Los ex árbitros deberán observar las obligaciones que se establecen en el presente Código de Conducta.

Disclosure
Obligación de declaración de intereses
7. As soon as possible after it is known that a candidate is notified, 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. (b) This Code of Conduct does not determine whether or under what circumstances the disputing Parties will disqualify a candidate or member from being appointed to, or serving as a member of, a panel on the basis of disclosures made.

Responsibilities to the Process
3. Responsibilities to the Process
4. Disclosure Obligations
(a) Throughout the proceeding, candidates and
6. Antes de recibir confirmación de su elección como árbitro bajo las disposiciones del Capítulo 18 del Tratado, un candidato revelará todo interés, relación o asunto que pudiera afectar su independencia o imparcialidad o que razonablemente pudiera causar la impresión de conducta deshonesta o parcial en el procedimiento. Con este fin, un candidato realizará todos los esfuerzos razonables para tener conocimiento de estas situaciones.

7. Una vez seleccionado, un árbitro continuará realizando todos los esfuerzos razonables para tener conocimiento acerca de las intereses, relaciones o asuntos a que se refiere el párrafo 8, y los informará mediante comunicación escrita a las Partes contendientes. La obligación de declaración constituye un deber permanente y requiere que un árbitro declare cualesquiera intereses, relaciones o asuntos que pudieren surgir durante cualquier fase del procedimiento.

Declaración

8. Todo candidato revelará cualquier interés, relación o asunto que pudiera afectar su independencia o imparcialidad en el procedimiento. Para tal efecto, los candidatos realizarán todos esfuerzos para enterarse de cualesquiera de dichos intereses, relaciones o asuntos.

PROVISION

- Colombia-El Salvador, Guatemala, and Honduras FTA (State-State) (Art. 18.13.2; Código de Conducta. Decisión No. 8, Annex I (State-State)) (Spanish) (Full text available here)
- United States-Columbia TPA (State-State) (Art. 21.8.1(d); Code of Conduct. Decision 7, Annex I (State-State)) (Full text available here)
- Dominican Republic-Central America-United States FTA (CAFTA-DR) (State-State) (Art. 20.7.2(d); Code of Conduct. Commission Decision, Annex I (State-State)) (Full text available here)
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| Sin limitar la generalidad de lo anterior, todo candidato revelará lo siguiente: | a) cualquier interés financiero o personal del candidato: |
|                                                                 | i) en el procedimiento o en su resultado, |
|                                                                 | ii) en un proceso judicial, administrativo o arbitral en que hayan surgido cuestiones planteadas también en el procedimiento para el cual el candidato esté siendo considerado; |
|                                                                 | b) cualquier interés financiero del empleador, socio, asociado o miembro de la familia del candidato: |
|                                                                 | i) en el procedimiento o en su resultado, |
|                                                                 | ii) en un proceso judicial, administrativo o arbitral en que hayan surgido cuestiones planteadas también en el procedimiento para el cual el candidato esté siendo considerado; |
|                                                                 | c) cualquier relación, presente o pasada, de carácter financiero, comercial, profesional, laboral, familiar o social con cualesquiera de las partes contendientes o con sus abogados, o cualquier relación de ese carácter que tenga el empleador, socio, asociado o miembro de la familia del candidato; |
|                                                                 | d) cualquier intervención a título profesional en cuestiones relacionadas con el procedimiento, o que involucren los mismos bienes; |
|                                                                 | e) otras intereses activos (por ejemplo, participación activa business associate, or family member in: |
|                                                                 | i) the proceeding or in its outcome; and |
|                                                                 | ii) an administrative proceeding, a domestic judicial proceeding, or any other proceeding that involves issues that may be decided in the proceeding for which the candidate is under consideration; |
|                                                                 | (c) any past or existing financial, business, professional, family, or social relationship with any interested parties in the proceedings, or their advisor, or any such relationship involving a candidate’s employer, partner, business associate, or family member; and |
|                                                                 | (d) public advocacy or legal or other representation concerning an issue in the proceeding or involving the same type of goods, services, investments, or government procurement; and |
|                                                                 | 9. Once appointed, a panelist shall continue to make all reasonable efforts to become aware of any interests, relationships, or matters referred to in paragraph 4 and shall disclose them. The obligation to disclose is a continuing duty which requires a member to disclose any such interests, relationships, and matters that may arise during any stage of the proceeding. |
|                                                                 | (d) In the event of any uncertainty regarding whether an interest, relationship, or matter must be disclosed under subparagraph (b) or (c), a candidate or member should err in favor of disclosure. |
|                                                                 | Disclosure of an interest, relationship, or matter is without prejudice as to whether the interest, relationship, or matter is covered by subparagraph (b) or (c), or whether it warrants recusal, amelioration, or disqualification. |
|                                                                 | (a) A candidate shall disclose any interests, relationships, and matters described in subparagraph (b) by |

| Full text available [here] |

The full text of the provisions is available [here].
### PROVISION

<table>
<thead>
<tr>
<th>Country Combination</th>
<th>FTA Type</th>
<th>Agreement Details</th>
<th>Full Text Available</th>
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#### en grupos de interés público o
 otras organizaciones que
 puedan tener un programa
 declarado que sea pertinente
 para la diferencia de que se
 trate);  
f) declaraciones explícitas de
 opiniones personales sobre
 cuestiones pertinentes para el
 asunto que se conozca (por
 ejemplo, publicaciones y
 declaraciones públicas).  
Con el objeto de dar
 cumplimiento a la presente
 disposición, los candidatos
 llenarán y devolverán a la
 oficina de apoyo
 administrativo de la Parte
 reclamada la Declaración
 Inicial que ésta les proporcione
 al momento de notificarles su
 designación.

### Duties

<table>
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<tr>
<th>Section</th>
<th>Description</th>
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| 9. | Un árbitro deberá cumplir con las disposiciones establecidas en el Capítulo 18 del Tratado y en sus Reglas Modelo de Procedimiento.  
10. | Un candidato que acepte ser designado como árbitro deberá estar disponible para desempeñar los deberes de árbitro de manera completa y expedita durante todo el procedimiento.  
| | Performance of Duties by Panelists  
| 11. | A candidate who accepts an appointment as a panelist shall be available to perform a panelist's duties thoroughly and expeditiously throughout the course of the proceeding with fairness and diligence.  
| 12. | A panelist shall ensure that the responsible office can, at all reasonable times, contact completing the Initial Disclosure Statement set out in the Appendix and provided by the responsible office and sending it to the responsible office as soon as possible. The candidate shall make its best efforts to submit said statement to the responsible office within ten days. A member shall disclose such interests, relationships, and matters by communicating them in writing to the responsible office for consideration by the disputing Parties.  
(f) The disclosure obligations set out in subparagraphs (a) through (e) 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 disputing Parties and third Parties 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.
| | Performance of Duties by Candidates and Members  
| (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.  
| (b) | A member shall ensure that the responsible office can, at all reasonable times, Section III Performance of Duties by Candidates and Members  
| 5. | A candidate who accepts a selection as a member shall be available to perform, and shall perform, a member's duties thoroughly and expeditiously throughout the course of the proceeding.  
| 6. | A member shall carry out all duties fairly and diligently.  

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<table>
<thead>
<tr>
<th>PROVISION</th>
<th>Colombia-El Salvador, Guatemala, and Honduras FTA (State-State)</th>
<th>United States-Colombia TPA (State-State)</th>
<th>Dominican Republic-Central America-US FTA (CAFTA-DR) (State-State)</th>
<th>Chile-Korea FTA (State-State)</th>
</tr>
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<tbody>
<tr>
<td>(Full text available <a href="#">here</a>)</td>
<td>(Full text available <a href="#">here</a>)</td>
<td>(Full text available <a href="#">here</a>)</td>
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<td>50. procedimiento de manera justa y diligente.</td>
<td>11. Un árbitro deberá tomar en consideración únicamente las cuestiones planteadas en el procedimiento y que sean necesarias para adoptar una decisión, y no delegará el deber de decisión en ninguna otra persona.</td>
<td>12. Un árbitro adoptará todas las medidas razonables para asegurar que sus asistentes cumplan con este Código de Conducta.</td>
<td>13. Ningún árbitro establecerá contactos ex parte relativos al procedimiento.</td>
<td>7. A member shall comply with this Code of Conduct. 8. A member shall not deny other members the opportunity to participate in all aspects of the proceeding. 9. A member 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. 10. A member shall take all reasonable steps to ensure that the member’s assistant and staff comply with Sections I, II and VI of this Code of Conduct. 11. A member shall not engage in ex parte contacts concerning the proceeding. 12. A candidate or member shall not communicate matters concerning actual or potential violations of this Code of Conduct unless the communication is to the responsible office or to the disputing Parties in response to a request made by them to ascertain whether that candidate or member has violated or may violate the Code.</td>
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| PROVISION | Independe
and Impartiality |
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<tbody>
<tr>
<td>Colombia-El Salvador, Guatemala, and Honduras FTA (State-State) (Art. 18.13.2; Código de Conducta. Decisión No. 8, Annex (State-State))</td>
<td>Independence e Imparcialidad de los miembros. Los árbitros serán independientes e imparciales, actuarán de manera justa y evitarán que su conducta sea deshonesta o parcial.</td>
</tr>
<tr>
<td>United States-Colombia TPA (State-State) (Art. 21.8.1(d); Code of Conduct. Decision 7, Annex 1 (State-State))</td>
<td>Section IV Independence and Impartiality of Members. A panelist shall act in a fair manner and shall not create an appearance of impropriety or an apprehension of bias.</td>
</tr>
<tr>
<td>Dominican Republic-Central America-US FTA (CAFTA-DR) (State-State) (Art. 20.7.2(d); Code of Conduct. Commission Decision, Annex 1 (State-State))</td>
<td>A panelist shall act in a fair manner and shall not create an appearance of impropriety or an apprehension of bias.</td>
</tr>
<tr>
<td>Chile-Korea FTA (State-State) (Annex 19.7 Code of Conduct for Members of Panels (State-State))</td>
<td>A panelist shall act in a fair manner and shall not create an appearance of impropriety or bias.</td>
</tr>
</tbody>
</table>

14. A panelist shall not use himself or herself as being in such a position to influence the panel 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.

15. A panelist 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. A panelist shall act in a fair manner and shall not create an appearance of impropriety or bias. A panelist 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.
<table>
<thead>
<tr>
<th>Country Pair</th>
<th>FTA Type</th>
<th>Relevant Article</th>
<th>Code of Conduct Reference</th>
<th>Decision Reference</th>
<th>Full Text Available</th>
</tr>
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<tbody>
<tr>
<td>Colombia-Ey Salvador, Guatemala, and Honduras</td>
<td>FTA (State-State)</td>
<td>Art. 18.13.2; Código de Conducta. Decisión No. 8, Anexo I (State-State)</td>
<td>(Spanish)</td>
<td>(Full text available here)</td>
<td></td>
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<td>United States-Colombia</td>
<td>TPA (State-State)</td>
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<td>Dominical Republic-Central America-US FTA (CAFTA-DR)</td>
<td>FTA (State-State)</td>
<td>Art. 20.7.2(d); Code of Conduct. Commission Decision, Annex 1 (State-State)</td>
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<td>(Full text available here)</td>
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<tr>
<td>Chile-Korea</td>
<td>FTA (State-State)</td>
<td>Annex 19.7 Code of Conduct for Members of Panels (State-State)</td>
<td></td>
<td>(Full text available here)</td>
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</tbody>
</table>

**Conducta es deshonesta o parcial.**

26. A panelist shall exercise his or her duties without accepting or seeking instructions from any international, government, or non-governmental organization or any private source, and shall not have intervened in a dispute pursuant to Article 21.5.4 (Intervention of the Commission). If an interest, relationship, or matter of a candidate or panelist is inconsistent with paragraphs 19 through 25, the candidate may accept appointment to a panel and a panelist may continue to serve on a panel if the disputing Parties waive the inconsistency or if, after the candidate or panelist has taken steps to ameliorate the violation, the Parties determine that the inconsistency has ceased.

27. If an interest, relationship, or matter of a candidate or panelist is inconsistent with paragraphs 19 through 25, the candidate may accept appointment to a panel and a panelist may continue to serve on a panel if the disputing Parties waive the inconsistency or if, after the candidate or panelist has taken steps to ameliorate the violation, the Parties determine that the inconsistency has ceased.

** Duties of Former Panelists**

28. A former panelist shall avoid actions that may create the appearance that the panelist was biased in carrying out the panelist's duties or would benefit from the decision or ruling of the panel. An appearance of impropriety or an apprehension of bias 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.

** Duties of Former Members**

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.

**Section V**

Duties in Certain Situations

19. A member or 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 or ruling of the panel.

**Confidentiality**

21. Un árbitro o ex árbitro no revelará ni utilizará en ningún momento información alguna relacionada con el procedimiento o adquirida durante el desempeño de sus funciones o de que pudiera haberse beneficiado de la decisión o resolución del tribunal arbitral.

29. A former panelist shall not at any time disclose or use any non-public information concerning a matter of the panel which is not in the public record.

8. Maintenance of Confidentiality

(a) A member or former member shall not at any time disclose or use any non-public information concerning the panel.

Section VI

Maintenance of Confidentiality

20. A member or former member shall not at any time disclose or use any non-public information concerning a matter of the panel.
<table>
<thead>
<tr>
<th>PROVISION</th>
<th>United States-Colombia TPA (State-State)</th>
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</thead>
<tbody>
<tr>
<td>(Art. 18.13.2; Código de Conducta. Decisión No. 8, Anexo I (State-State)) (Spanish)</td>
<td>(Art. 21.8.1(d); Code of Conduct, Decision 7, Annex I (State-State)) (Full text available here)</td>
<td>(Art. 20.7.2(d); Code of Conduct, Commission Decision, Annex 1 (State-State)) (Full text available here)</td>
<td>(Annex 19.7 Code of Conduct for Members of Panels (State-State)) (Full text available here)</td>
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<tr>
<td>during the same, that no state del dominio público, excepto para las fines del</td>
<td>proceeding or acquired during the proceeding, including the deliberations of a panel or any panelist's view, except for purposes of the proceeding or except as required by law.</td>
<td>proceeding or acquired during the proceeding, including the deliberations of a panel or any panelist's view, except for purposes of the proceeding or except as required by law.</td>
<td>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.</td>
</tr>
<tr>
<td>procedure, and in no case shall the deliberations of a panel or any panelist's view be broader than necessary to satisfy the legitimate purpose of disclosure. In any case, a panelist shall not disclose or use any such information to gain personal advantage or advantage for others or to affect adversely the interest of others.</td>
<td>(b) A member shall not disclose a panel report issued under Chapter Twenty prior to the release of the final report by the disputing Parties. A member or former member shall not at any time disclose which panelists are associated with majority or minority opinions in a proceeding under Chapter Twenty.</td>
<td>(c) A member or former member shall not at any time disclose the deliberations of a panel, or any member's view.</td>
<td>(d) A member shall not make a public statement regarding the merits of a pending proceeding.</td>
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<tr>
<td>22. Ningún árbitro revelará el contenido de una decisión del tribunal arbitral antes de su publicación.</td>
<td>22. A member shall not disclose a panel ruling prior to its publication.</td>
<td>22. A member or former member shall not at any time disclose the deliberations of a panel, or any member's view.</td>
<td>22. A member or former member shall not at any time disclose the deliberations of a panel, or any member's view.</td>
</tr>
<tr>
<td>23. Ningún árbitro o ex árbitro revelará en ningún momento las deliberaciones del tribunal arbitral ni las opiniones de los otros árbitros.</td>
<td>23. A member shall not disclose the deliberations of a panel, or any member's view.</td>
<td>23. Sections I, II and VI of this Code of Conduct apply also to assistants and staff.</td>
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</tr>
<tr>
<td>Others</td>
<td>Responsibilities of Assistants, Experts, Staff, mediators and conciliators</td>
<td>Responsibilities of Assistants and Staff Paragraphs 3 (Responsibilities to the Process), 4 (Disclosure Obligations), 5(h) (ex parte contacts), 7 (Duties of Former Members) and 8 (Maintenance of Confidentiality) of this Code of Conduct</td>
<td>Section VII Responsibilities of Assistants and Staff</td>
</tr>
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<td>Paragraphs 6, 7, 8, 9, 14, 18, 20, 30, and 31 of this Code of Conduct apply also to experts, assistants, and staff.</td>
<td></td>
<td>23. Sections I, II and VI of this Code of Conduct apply also to assistants and staff.</td>
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<td></td>
<td>33. The provisions established in this Code of Conduct as</td>
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<td>9. Responsibilities of Assistants and Staff</td>
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<td>Dominical Republic-Central America-US FTA (CAFTA-DR) (State-State)</td>
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<td>(Full text available here)</td>
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</table>

Applying to a panelist or former panelist shall apply, mutatis mutandis, to persons that are called upon pursuant to subparagraph (b) of paragraph 4 of Article 21.5 (Intervention of the Commission).

Conduct apply also to experts, assistants, and staff. The disciplines established in this Code of Conduct as applying to members or former members shall apply, mutatis mutandis, to the persons that are called upon in accordance with subparagraphs (a) and (b) of paragraph 4 of Article 20.5 (Commission — Good Offices, Conciliation, and Mediation).
II. Other FTAs that provide for a Code of Conduct that has not been issued:

<table>
<thead>
<tr>
<th>FTA</th>
<th>Code of Conduct Issued</th>
<th>Article/Article(s)</th>
</tr>
</thead>
</table>
| Canada-Honduras FTA      | In force Oct. 1, 2014  | Article 10.26: Arbitrators
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.
2. Arbitrators shall:
(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;
(b) be independent of, and not be affiliated with or take instructions from, either Party or the disputing investor; and
(c) comply with the Code of Conduct for Dispute Settlement established by the Commission.
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.
4. The Commission may establish rules relating to the expenses incurred by the Tribunal. |
| Canada-Peru FTA          | In force August 1, 2009| Article 826: Arbitrators
1. Except in respect of a Tribunal established under Article 829, and unless the disputing parties agree otherwise, the Tribunal shall comprise three arbitrators. One arbitrator shall be appointed by each of the disputing parties and the third, who shall be the presiding arbitrator, shall be appointed by agreement of the disputing parties.
2. Arbitrators shall:
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;
b. be independent of, and not be affiliated with or take instructions from, either Party or the disputing investor; and
c. comply with any Code of Conduct for Dispute Settlement as agreed by the Commission.
3. 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.
4. The Commission may establish rules relating to expenses incurred by the Tribunal. |
| TPP                     | Draft                  | 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. |
| Canada-Chile FTA         | In force July 5, 1997  | Article N-09: Roster
[...]
2. Roster members shall:
(a) have expertise or experience in law, international trade, other matters covered by this Agreement or the resolution of disputes arising under international trade agreements, and shall be chosen strictly on the basis of objectivity, reliability and sound judgment;
(b) be independent of, and not be affiliated with or take instructions from, any Party; and
(c) comply with a code of conduct to be established by the Commission. |
| Canada-Colombia FTA      | In force August 15, 2011| Article 2107: Qualifications of Panelists
1. Each panelist shall:
a. have expertise or experience in law, international trade, other matters covered by this Agreement, or in the settlement of disputes arising under international trade agreements;
b. be chosen strictly on the basis of objectivity, reliability, and sound judgment;
c. be independent of and not be affiliated with or take instructions from, either Party;
d. Not be a national of either Party, nor have his or her usual place of residence in the territory of either Party, nor be employed by either of them; and
e. Comply with a Code of Conduct that the Commission shall approve at its first session following the entry into force of this Agreement. |
| Canada-Panama FTA        | In force April 1, 2013 | Article 22.09: Qualifications of Panelists
Each panelist shall:
(a) have expertise or experience in law, international trade or other matters covered by this Agreement, or in the settlement of disputes arising under international trade agreements;
(b) be chosen strictly on the basis of objectivity, reliability and sound judgment;
(c) be independent of and not be affiliated with or take instructions from a Party;
(d) not be a national of a Party, nor have their usual place of residence in the territory of a Party, nor be employed by either of them;
(e) comply with a Code of Conduct that the Commission shall approve at its first session following the entry into force of this Agreement; and
(f) not have been involved in an alternative dispute settlement proceeding referred to in Article 22.06 regarding the same dispute. |
<table>
<thead>
<tr>
<th>Agreement</th>
<th>Entry into Force</th>
<th>Code of Conduct</th>
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</thead>
<tbody>
<tr>
<td>CARICOM-Costa Rica FTA</td>
<td>Nov. 15, 2005; Apr. 30, 2006; Aug. 1, 2006; March 10, 2011; June 1, 2015</td>
<td>Joint Council has not issued the Code of Conduct to this date</td>
</tr>
<tr>
<td>Chile-United States FTA</td>
<td>Jan. 1, 2004</td>
<td>Commission has not issued the Code of Conduct to this date</td>
</tr>
<tr>
<td>EU-China Comprehensive Agreement on Investment</td>
<td>Dec. 30, 2020</td>
<td>Ongoing discussions as to this date, though expected to be published by the end of February–early March 2021.</td>
</tr>
</tbody>
</table>

**Article XIII.08 Roster**

1. No later than three (3) months after the entry into force of this Agreement, the Parties shall establish and maintain a roster of up to twenty (20) individuals, at least ten (10) of whom must not be citizens of either of the Parties, who are willing and able to serve as panelists. The roster members shall be appointed by consensus by the Parties for terms of three (3) years. Unless either of the Parties disagrees, a roster member shall be considered re-appointed for a further period of three (3) years.

2. Roster members shall:
   a. have expertise or experience in law, international trade, other matters covered by this Agreement, or the resolution of disputes arising under international trade agreements;
   b. be chosen strictly on the basis of objectivity, reliability, and sound judgment;
   c. be independent of, and not be affiliated with or take instructions from, any Party; and
   d. comply with the code of conduct to be established by the Joint Council.

**Article 22.7: Roster**

2. Roster members shall:
   a. have expertise or experience in law, international trade, other matters covered by this Agreement, or the resolution of disputes arising under international trade agreements;
   b. be chosen strictly on the basis of objectivity, reliability, and sound judgment;
   c. be independent of, and not be affiliated with or take instructions from, any Party; and
   d. comply with a code of conduct to be established by the Commission.