

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)

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I. FTAs that include a Code of Conduct

PROVISION	NAFTA	EU- Singapore IPA (ISDS)	Australia-Japan EPA (State-State)	CETA (State-State)	CPTPP (ISDS)	CPTPP (State-State)	EU-Vietnam FTA (State-State)	EU-Vietnam IPA (ISDS)
	<i>(Only applicable to Chapter 19 and 20)</i>	<i>(Annex 7 Code of Conduct for Members of The Tribunal, The Appeal Tribunal and Mediators) (FTA in force Nov. 21, 2019/ IA will enter in force when ratified by all EU MS)</i>	<i>(Annex B Code of Conduct of Arbitrators, Rules of Procedure of Arbitral Tribunals) (EPA in force Jan. 15, 2015)</i>	<i>(Annex 29-B (State-State)) (In force provisionally Sept. 21, 2017) (Code applicable to ISDS has not yet been published)</i>	<i>(Chapter 9, Section B, Code for ISDS) (In force Dec. 30, 2018)</i>	<i>(Chapter 28, Annex I, Code of Conduct (State-State))</i>	<i>(Annex 15-B (State-State)) (Draft)</i>	<i>(Annex 11 Code of Conduct for Members of The Tribunal, Members of The Appeal Tribunal and Mediators) (Draft)</i>
	<i>(Full text available here)</i>	<i>(Full text available here)</i>	<i>(Full text available here)</i>	<i>(Full text available here)</i>	<i>(Full text available here)</i>	<i>(Full text available here)</i>	<i>(Full text available here)</i>	<i>(Full text available here)</i>
Definitions/Scope	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 under Article 1414, Annex 1901.2 or 1904.13 or Article 2009, (b) an individual who is under consideration for appointment as a member of a panel pursuant to Annex 1901.2 or Article 1903, 1904 or 2011, or (c) an individual who is under consideration for appointment as a member of a committee pursuant to Annex 1904.13 or Article 1905; "member" means (a) a member of a panel constituted pursuant to Annex 1901.2 or Article 1414, 1903, 1904, 2008 or 2011, (b) a member of an extraordinary challenge committee constituted pursuant to Annex 1904.13, or (c) a member of a special committee constituted pursuant to Article 1905; "participant" has the meaning assigned in the Rules of Procedure for Article 1904 Binational Panel Reviews; "Party" means a Party to the Agreement; "proceeding", unless otherwise specified, means	1. In this Code of Conduct: "Member" means a Member of the Tribunal or a Member of the Appeal Tribunal established pursuant to Chapter Three (Dispute Settlement) Section A (Resolution of Disputes between Investors and Parties); "mediator" means a person who conducts mediation in accordance with Chapter Three (Dispute Settlement) Section A (Resolution of Disputes between Investors and Parties); "candidate" means an individual who is under consideration for selection as a Member; "assistant" means a person who, under the terms of appointment of a Member, conducts research or provides assistance to the Member; "staff", in respect of a Member, means persons under the direction and control of the Member, other than assistants.	I. Scope 1. This Code of Conduct shall apply to each person serving as an arbitrator, arbitrator's assistant or administration personnel involved in the proceedings of an arbitral tribunal (hereinafter referred to as "covered person") established under Article 19.6 (Establishment and Composition of Arbitral Tribunals) of the Agreement. 2. Each arbitrator shall take all reasonable measures to ensure that his or her assistants or administration personnel comply with Parts IV to VII of this Code of Conduct. The Parties may agree to exempt any covered person, other than an arbitrator, from application of a part or all of this Code of Conduct. II. Governing Principle Each arbitrator shall be independent and impartial, and shall avoid direct or indirect conflicts of interest. Furthermore, each arbitrator and former arbitrator shall respect the confidentiality of proceedings of the arbitral tribunal. Through the observance of such standards of conduct the integrity and impartiality of dispute settlement proceedings conducted pursuant to Chapter 19 (Dispute Settlement) of the Agreement are preserved.	Definitions 1. For this Chapter and under this Code of Conduct: assistant means a person who, under the terms of appointment of an arbitrator, conducts, researches or provides assistance to the arbitrator; candidate means an individual whose name is on the list of arbitrators referred to in Article 29.8 and who is under consideration for selection as an arbitrator under Article 29.7; mediator means a person who conducts a mediation in accordance with Article 29.5; arbitrator means a member of an arbitration panel established under Article 29.7; proceeding, unless otherwise specified, means an arbitration proceeding; staff, in respect of an arbitrator, means persons under the direction and control of the arbitrator, other than assistants.	Definitions 1. For the purposes of this Code of Conduct: arbitrator means a member of a tribunal constituted pursuant to Article 9.22 (Selection of Arbitrators); assistant means a person who, under the terms of appointment of an arbitrator, conducts research or provides support for the arbitrator; candidate means an individual who is under consideration for selection as an arbitrator pursuant to Article 9.22 (Selection of Arbitrators); expert means a person appointed pursuant to Article 9.27 (Expert Reports) or applicable arbitration rules; family member means the spouse of an arbitrator or candidate; or a parent, child, grandparent, grandchild, sister, brother, aunt, uncle, niece or nephew of the arbitrator or candidate (including whole and half blood relatives and step relatives); or the spouse of such an individual. Family member also includes any resident of an arbitrator's or candidate's household whom the arbitrator or candidate treats as a member of his or her family; Rules means applicable rules pursuant to Article 9.19.4 (Submission of a Claim to Arbitration); and staff, in respect of an arbitrator,	1. Definitions For the purposes of this Code of Conduct: family member means the spouse of a panellist or candidate; or a parent, child, grandparent, grandchild, sister, brother, aunt, uncle, niece or nephew of the panellist or candidate or spouse of the panellist or candidate, 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 panellist'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 staff, in respect of a panellist, means individuals under the direction and control of the panellist, other than assistants.	Definitions 1. 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; (c) "candidate" means an individual whose name is on the list of arbitrators referred to in Article 15.23 (List of Arbitrators) and who is under consideration for selection as a member of an arbitration panel under Article 15.7 (Establishment of the Arbitration Panel); (d) "mediator" means a person who conducts a mediation procedure in accordance with Annex 15-C (Mediation Mechanism); (e) "proceedings", unless otherwise specified, means dispute settlement proceedings of an arbitration panel under Chapter 15 (Dispute Settlement); and (f) "staff", in respect of an arbitrator, means a person under the direction and control of the arbitrator, other than assistants.	ARTICLE 1 Definitions For the purposes of this Code of Conduct: (a) "Member" means a Member of the Tribunal or a Member of the Appeal Tribunal established pursuant to Section B (Resolution of Disputes between Investors and Parties); (b) "mediator" means a person who conducts the mediation procedure in accordance with Article 3.31 (Mediation) and Annex 10 (Mediation Mechanism for Disputes between Investors and Parties); (c) "candidate" means an individual who is under consideration for selection as a Member of the Tribunal or a Member of the Appeal Tribunal; (d) "assistant" means a person who, under the terms of appointment of a member, assists the member in his research or supports him in his duties; (e) "staff", in respect of a member, means persons under the direction and control of the member, other than assistants.

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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 committee proceeding under Article 1905, (d) a panel proceeding under Chapter 20, or (e) a proceeding in a dispute arising under Chapter 11 or 14 to which Chapter 20 applies; "Secretariat" means the Secretariat established pursuant to Article 2002; and "staff", in respect of a member, means persons under the direction and control of the member, other than assistants. B. Any reference made in this Code of Conduct to an Article, Annex or Chapter is a reference to the appropriate Article, Annex or Chapter of the Agreement.				means individuals under the direction and control of the arbitrator other than assistants.			
Responsibilities during proceeding	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.	2. Every candidate and Member shall avoid impropriety and the appearance of impropriety, shall be independent and impartial, shall avoid direct and indirect conflicts of interests and shall observe high standards of conduct so that the integrity and impartiality of the dispute settlement mechanism is preserved. Members shall not take instructions from any organisation or government with regard to matters before the Tribunal or the Appeal Tribunal. Former Members must comply with the obligations established in paragraphs 15 through 21	III. Observance of the Governing Principle To ensure the observance of the Governing Principle of this Code of Conduct, each arbitrator is expected: (a) to adhere strictly to the provisions of Chapter 19 (Dispute Settlement) of the Agreement and the Rules of Procedure; (b) to maintain confidentiality; (c) to disclose the existence or development of any interest, relationship or matter that the arbitrator could reasonably be expected to know and that is likely to affect, or give rise to justifiable doubts as to, that arbitrator's independence or impartiality; and	Responsibilities of candidates and arbitrators 2. Every candidate and arbitrator shall avoid impropriety and the appearance of impropriety, shall be independent and impartial, shall avoid direct and indirect conflicts of interests and shall observe high standards of conduct so that the integrity and impartiality of the dispute settlement mechanism is preserved. Former arbitrators must comply with the obligations established in paragraphs 16 through 19.	2. Responsibilities to the Process Each candidate, arbitrator and former arbitrator shall avoid impropriety and the appearance of impropriety and shall observe high standards of conduct so that the integrity and impartiality of the dispute settlement process is preserved. 3. Governing Principles (a) Each arbitrator shall be independent and impartial, and shall avoid direct or indirect conflicts of interest. (b) Each arbitrator and former arbitrator shall respect the confidentiality of tribunal proceedings.	2. Responsibilities to the Process Each candidate, panellist and former panellist 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 3. Governing Principles (a) Each panellist shall be independent and impartial, and shall avoid direct or indirect conflicts of interest. (b) Each panellist and former panellist shall respect the confidentiality of panel proceedings.	Responsibilities 2. Every candidate and arbitrator shall avoid impropriety and the appearance of impropriety, be independent and impartial, avoid direct and indirect conflicts of interests and observe high standards of conduct so that the integrity and impartiality of the dispute settlement mechanism is preserved. Former arbitrators shall comply with the obligations set out in rules 15 to 18 of this Code of Conduct.	ARTICLE 2 Responsibilities to the Process Every candidate and every Member shall avoid impropriety and the appearance of impropriety, shall be independent and impartial and shall avoid direct and indirect conflicts of interest.

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		<i>of this Code of Conduct.</i>	<i>(d) to take due care in the performance of his or her duties to fulfil these expectations, including through avoidance of any direct or indirect conflicts of interest in respect of the subject matter of the proceedings.</i>		<i>(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</i>	<i>(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..</i>		

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					the arbitration shall apply to any challenge, disqualification or replacement of an arbitrator.			
Disclosure	<p>[Introductory Note: The governing principle of this Code of Conduct is that a candidate or member must disclose the existence of any interest, relationship or matter that is likely to affect the candidate's or member's independence or impartiality or that might reasonably create an appearance of impropriety or an apprehension of bias. An appearance of impropriety or an apprehension of bias is created where a reasonable person, with knowledge of all the relevant circumstances that a reasonable inquiry would disclose, would conclude that a candidate's or member's ability to carry out the duties with integrity, impartiality and competence is impaired. These disclosure obligations, however, should not be interpreted so that the burden of detailed disclosure makes it impractical for persons in the legal or business community to serve as members, thereby depriving the Parties and participants of the services of those who might be best qualified to serve as members. Thus, candidates and members should not be called upon to disclose interests, relationships or matters whose bearing on their role in the proceeding would be trivial.</p>	<p>3. Prior to his or her appointment as a Member, a candidate shall disclose to the Parties any past or present interest, relationship or matter that is likely to affect his or her independence or impartiality or that might reasonably create an appearance of impropriety or bias. To this end, a candidate shall make all reasonable efforts to become aware of any such interests, relationships and matters.</p> <p>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.</p> <p>5. Members shall at all times continue to make all reasonable efforts to become aware of any interests, relationships or matters referred to in paragraph 3 of this Code of Conduct and shall disclose them. The disclosure obligation is a continuing duty which requires a Member to disclose any such interests, relationships or matters that may arise during any stage of the proceeding at the earliest time the Member becomes aware of it. The Member shall disclose such interests, relationships or matters by informing the</p>	<p>IV. Obligation of Self-Disclosure</p> <p>1. Each person requested to serve as an arbitrator, at the time of the request, shall receive a copy of this Code of Conduct from the requesting Party. Any such person, prior to confirmation of his or her appointment, shall disclose in writing to the requesting Party any information relevant to the matter under dispute, such as:</p> <p>(a) financial interests (e.g. investments, loans, shares, interests, other debts), business interests (e.g. directorship or other contractual interests) and property interests relevant to the dispute in question;</p> <p>(b) professional interests relevant to the dispute in question (e.g. any interests the person may have in domestic or international proceedings, and their implications, where these involve issues similar to those addressed in the dispute in question);</p> <p>(c) other active interests relevant to the dispute in question (e.g. active participation in public interest groups or other organisations which may have a declared agenda relevant to the dispute in question);</p> <p>(d) considered statements of personal opinion on issues relevant to the dispute in question (e.g. publications, public statements); and</p>	<p>Disclosure obligations</p> <p>3. Prior to confirmation of her or his selection as an arbitrator under this Chapter, a candidate shall disclose any interest, relationship or matter that is likely to affect her or his independence or impartiality or that might reasonably create an appearance of impropriety or bias in the proceeding. To this end, a candidate shall make all reasonable efforts to become aware of such interests, relationships and matters.</p> <p>4. Without limiting the generality of the foregoing, candidates shall disclose the following interests, relationships and matters:</p> <p>(1) any financial interest of the candidate:</p> <p>(a) in the proceeding or in its outcome, and</p> <p>(b) in an administrative proceeding, a domestic court proceeding or another panel or committee proceeding that involves issues that may be decided in the proceeding for which the candidate is under consideration;</p> <p>(2) any financial interest of the candidate's employer, partner, business associate or family member:</p> <p>(a) in the proceeding or in its outcome, and</p> <p>(b) in an administrative proceeding, a domestic court proceeding or another panel or committee proceeding that involves issues that may be</p>	<p>4. Disclosure Obligations</p> <p>(a) Throughout the tribunal proceeding, candidates and arbitrators have a continuing obligation to disclose interests, relationships and matters that may bear on the integrity or impartiality of the dispute settlement process.</p> <p>(b) The disputing parties or the Secretary-General, as the appointing authority for an arbitration referred to in Article 9.22.2 (Selection of Arbitrators), will provide a candidate a copy of this Code of Conduct and the Initial Disclosure Statement set out in the Appendix to this Code of Conduct.</p> <p>(c) A candidate shall submit the Initial Disclosure Statement set out in the Appendix to this Code of Conduct to the disputing parties or the Secretary-General, as the appointing authority, no later than seven days after receipt of that Statement.</p> <p>[FN 1: This subparagraph does not prevent the appointment of arbitrators by the disputing parties prior to the submission of the Initial Disclosure Statement.]</p> <p>[FN 2: For greater certainty, the submission of the Initial Disclosure Statement is without prejudice to any further disclosure required pursuant to the Rules.]</p>	<p>4. Disclosure Obligations</p> <p>(a) Throughout the panel proceeding, candidates and panellists have a continuing obligation to disclose interests, relationships and matters that may bear on the integrity or impartiality of the dispute settlement process.</p> <p>(b) The responsible office will provide a candidate (including a potential candidate) a copy of this Code of Conduct and the Initial Disclosure Statement set out in the Appendix to this Code of Conduct, pursuant to Rule 39(a)(ii).</p> <p>(c) A candidate shall make his or her best efforts to submit the Initial Disclosure Statement to the responsible office no later than seven days after receipt of that Statement. 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 panel proceeding. To this end, a candidate shall make all reasonable efforts to become aware of any such interests, relationships and matters. Therefore, a candidate shall disclose, at a minimum, the following interests, relationships and matters:</p> <p>(i) any financial or personal interest of the candidate in:</p>	<p>Disclosure Obligations</p> <p>3. Prior to the appointment as an arbitrator under Chapter 15 (Dispute Settlement), a candidate shall disclose any interests, relationships, or matters, that are likely to affect that candidate's independence or impartiality, or that might reasonably create an appearance of impropriety or bias in the proceedings. To that end, a candidate shall make all reasonable efforts to become aware of any such interests, relationships or matters.</p> <p>4. A candidate or arbitrator shall communicate, in writing, matters concerning actual or potential violations of this Code of Conduct to the Trade Committee for consideration by the Parties.</p> <p>5. Once appointed, an arbitrator shall continue to make all reasonable efforts to become aware of any interests, relationships or matters referred to in rule 3 of this Code of Conduct and shall disclose them by informing the Trade Committee, in writing, for consideration by the Parties. The disclosure obligation is a continuing duty which requires an arbitrator to disclose any such interests, relationships or matters that may arise during any stage of the proceedings.</p>	<p>ARTICLE 3</p> <p>Disclosure Obligations</p> <p>1. Prior to their appointment, candidates shall disclose to the Parties any past and present interest, relationship or matter that is likely to affect their independence or impartiality or that might reasonably create an appearance of impropriety or bias. To that end, a candidate shall make all reasonable efforts to become aware of any such interest, relationship or matter.</p> <p>2. Members shall communicate matters concerning actual or potential violations of this Code of Conduct in writing to the disputing parties Members shall at all times continue to make all efforts to become aware of any interest, relationship or matter referred to in paragraph 1. Members shall disclose such interests, relationships or matters to the disputing parties.</p> <p>[FN n. 1: For greater certainty, this obligation does not extend to information which is already in the public domain or was known, or should have reasonably been known, by all disputing parties.]</p>

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	<p>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 on the basis of disclosures made.]</p> <p>A. A candidate shall disclose any interest, relationship or matter that is likely to affect the candidate's independence or impartiality or that might reasonably create an appearance of impropriety or an apprehension of bias in the proceeding. To this end, a candidate shall make all reasonable efforts to become aware of any such interests, relationships and matters. The candidate shall disclose such interests, relationships and matters by completing an Initial Disclosure Statement provided by the Secretariat and sending it to the Secretariat. Without limiting the generality of the foregoing, candidates shall disclose the following interests, relationships and matters: (1) any financial interest of the candidate (a) in the proceeding or in its outcome, and</p>	<p>disputing parties and the non-disputing Party, in writing, for their consideration.</p>	<p>(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 associates 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 proceedings. During the course of proceedings, the arbitrator shall disclose in writing to the Parties any information relevant to paragraph 1 when he or she becomes aware of it. 3. In meeting these disclosure requirements, personal privacy shall be respected. The application of these disclosure requirements shall not be so administratively burdensome as to make it impracticable for otherwise qualified persons to serve as arbitrators.</p>	<p>decided in the proceeding for which the candidate is under consideration; (3) any past or existing financial, business, professional, family or social relationship with the interested parties in the proceeding, or their counsel, or such relationship involving a candidate's employer, partner, business associate or family member; and (4) public advocacy or legal or other representation concerning an issue in dispute in the proceeding or involving the same 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 selected, an arbitrator shall continue to make all reasonable efforts to become aware of interests, relationships or matters referred to in paragraph 3 and shall disclose them. The disclosure obligation is a continuing duty which requires an arbitrator to disclose such interests, relationships or matters that may arise during all stages of the proceeding. The arbitrator shall disclose such interests, relationships or matters by informing the CETA Joint Committee promptly, in writing, for consideration by the Parties.</p>	<p>(d) A candidate shall disclose any interest, relationship or matter that is likely to affect his or her independence or impartiality or that might reasonably create an appearance of impropriety or an apprehension of bias in the tribunal proceeding. To this end, a candidate shall make all reasonable efforts to become aware of any such interests, relationships and matters. Therefore, a candidate shall disclose, at a minimum, the following interests, relationships and matters: (i) any financial or personal interest of the candidate in: (A) the tribunal 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 tribunal 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 tribunal 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 tribunal proceeding for which the candidate is under consideration; (d) Once appointed, a panellist shall continue to make all reasonable efforts to become</p>	<p>(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; (iii) any past or current financial, business, professional, family or social relationship with any interested parties in the panel proceeding, or their counsel, or any such relationship involving a candidate's employer, business partner, business associate or family member; and (iv) public advocacy or legal or other representation concerning an issue in dispute in the panel proceeding or involving the same goods, services or investments.</p>		

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	<p>(b) in an administrative proceeding, a domestic court proceeding or another panel or committee proceeding that involves issues that may be decided in the proceeding for which the candidate is under consideration;</p> <p>(2) any financial interest of the candidate's employer, partner, business associate or family member</p> <p>(a) in the proceeding or in its outcome, and</p> <p>(b) in an administrative proceeding, a domestic court proceeding or another panel or committee proceeding that involves issues that may be decided in the proceeding for which the candidate is under consideration;</p> <p>(3) any past or existing financial, business, professional, family or social relationship with any interested parties in the proceeding, or their counsel, or any such relationship involving a candidate's employer, partner, business associate or family member; and</p> <p>(4) public advocacy or legal or other representation concerning an issue in dispute in the proceeding or involving the same goods.</p> <p>B. A member in an Article 1904 proceeding shall, after receiving the complaint, disclose any interests, advocacy or representation referred to in paragraph A(1)(b) or (2)(b) or subsection (4) by completing a Supplementary Disclosure</p>				<p>(iii) 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</p> <p>[FN: For greater certainty, "interested parties" may include the home country of the investor.]</p> <p>(iv) public advocacy or legal or other representation concerning an issue in dispute in the tribunal proceeding or involving the same investment.</p> <p>(e) Once appointed, an arbitrator shall continue to make all reasonable efforts to become aware of any interests, relationships or matters referred to in subparagraph (d) and shall disclose them. The obligation to disclose is a continuing duty that requires an arbitrator to disclose any such interests, relationships and matters that may arise during any stage of the tribunal proceeding.</p> <p>(f) In the event of any uncertainty regarding whether an interest, relationship or matter must be disclosed under subparagraph (d) or subparagraph (e), a candidate or arbitrator should err in favour of disclosure. Disclosure of an interest, relationship or matter is</p>	<p>aware of any interests, relationships or matters referred to in subparagraph (c) and shall disclose them. The obligation to disclose is a continuing duty that requires a panellist to disclose any such interests, relationships and matters that may arise during any stage of the panel proceeding.</p> <p>(e) In the event of any uncertainty regarding whether an interest, relationship or matter must be disclosed under subparagraph (c) or subparagraph (d), a candidate or panellist should err in favour of disclosure. Disclosure of an interest, relationship or matter is without prejudice as to whether the interest, relationship or matter is covered by subparagraph (c) or subparagraph (d), or whether it warrants recusal, amelioration or disqualification.</p> <p>(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.</p>		

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	Statement provided by the Secretariat and sending it to the Secretariat for consideration by the appropriate Parties. C. Once appointed, a member shall continue to make all reasonable efforts to become aware of any interests, relationships or matters referred to in section A and shall disclose them. The obligation to disclose is a continuing duty which requires a member to disclose any such interests, relationships and matters that may arise during any stage of the proceeding. The member shall disclose such interests, relationships and matters by communicating them in writing to the Secretariat for consideration by the appropriate Parties.				without prejudice as to whether the interest, relationship or matter is covered by subparagraph (d) or subparagraph (e), or whether it warrants recusal, amelioration or disqualification. (g) The disclosure obligations set out in subparagraphs (a) through (f) should not be interpreted so that the burden of detailed disclosure makes it impractical for individuals in the legal or business community to serve as arbitrators, thereby depriving the disputing parties of the services of those who might be best qualified to serve as arbitrators. Thus, candidates and arbitrators should not be called upon to disclose interests, relationships or matters whose bearing on their role in the tribunal proceeding would be trivial.			
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. B. A member shall ensure that the Secretariat can, at all reasonable times, contact the member in order to conduct panel or committee business.	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	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	Duties of arbitrators 7. Upon selection an arbitrator shall be available to perform and shall perform her or his duties thoroughly and expeditiously throughout the course of the proceeding, and with fairness and diligence. 8. An arbitrator shall consider only those issues raised in the proceeding and necessary for a ruling and shall not delegate this duty to any other person. 9. An arbitrator shall take all appropriate steps to ensure that her or his assistant and staff are aware of, and comply with, paragraphs 2 through 6, and 17 through 19.	5. Performance of Duties by Candidates and Arbitrators (a) A candidate who accepts an appointment as an arbitrator shall be available to perform, and shall perform, once the arbitrator is appointed pursuant to Article 9.22 (Selection of Arbitrators), an arbitrator's duties thoroughly, fairly, diligently and expeditiously throughout the course of the tribunal proceeding. (b) An arbitrator shall ensure that he or she is contactable, at all reasonable times, by the Secretary-General, disputing	5. Performance of Duties by Candidates and Panellists (a) Bearing in mind that the prompt settlement of disputes is essential to the effective functioning of the Agreement, a candidate who accepts an appointment as a panellist shall be available to perform, and shall perform, a panellist's duties thoroughly and expeditiously throughout the course of the panel proceeding. (b) A panellist shall ensure that he or she is contactable, at all reasonable times, by the responsible office in order to conduct panel work.	Duties of Arbitrators 6. An arbitrator shall be available to perform, and shall perform his duties thoroughly, expeditiously, and with fairness and diligence, throughout the course of the proceedings. 7. An arbitrator shall consider only those issues raised in the proceedings and necessary for a ruling and shall not delegate this duty to any other person. 8. An arbitrator shall take all appropriate steps to ensure that his assistant and staff are aware of, and comply with, rules 2, 3, 4, 5, 16, 17 and 18 of this Code of Conduct.	ARTICLE 4 Duties of Members 1. Members shall perform their duties thoroughly and expeditiously throughout the course of the proceedings and shall do so with fairness and diligence. 2. Members shall consider only those issues raised in the proceedings which are necessary for a ruling and shall not delegate this duty to any other person. 3. Members shall take all appropriate steps to ensure that their assistants and staff are aware of, and comply

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	<p>C. A member shall carry out all duties fairly and diligently.</p> <p>D. A member shall comply with the provisions of Chapter 19 or 20 and the applicable rules.</p> <p>E. A member shall not deny other members the opportunity to participate in all aspects of the proceeding.</p> <p>F. A member shall consider only those issues raised in the proceeding and necessary to a decision and shall not delegate the duty to decide to any other person, except as provided in the applicable rules.</p> <p>G. A member shall take all reasonable steps to ensure that the member's assistant and staff comply with Parts I, II and VI of this Code of Conduct.</p> <p>H. A member shall not engage in ex parte contacts concerning the proceeding.</p> <p>I. A candidate or member shall not communicate matters concerning actual or potential violations of this Code of Conduct unless the communication is to the Secretariat or is necessary to ascertain whether that candidate or member has violated or may violate the Code.</p>	<p>and 21 of this Code of Conduct.</p> <p>9. A Member shall not engage in ex parte contacts concerning the proceeding.</p>	<p>proceeding and necessary to a decision and shall not delegate the duty to decide to any other person, except as provided in the Rules of Procedure.</p> <p>5. An arbitrator shall not communicate matters concerning actual or potential violations of this Code of Conduct unless the communication is to both Parties or is necessary to ascertain whether that arbitrator has violated or may violate this Code of Conduct.</p>	<p>10. An arbitrator shall not engage in ex parte contacts concerning the proceeding.</p>	<p>parties, arbitration institution in charge of the proceeding and other arbitrators of the tribunal in order to conduct tribunal work.</p> <p>(c) An arbitrator shall comply with the provisions of Chapter 9 Section B (Investor-State Dispute Settlement) and the Rules.</p> <p>(d) An arbitrator shall not deny other arbitrators the opportunity to participate in all aspects of the tribunal proceeding.</p> <p>(e) An arbitrator shall consider only those issues raised in the tribunal proceeding and necessary to make a decision, order or award.</p> <p>(f) An arbitrator shall not delegate the duty to make a decision, order or award to any other individual.</p> <p>(g) An arbitrator shall take all reasonable steps to ensure that his or her assistants and staff comply with paragraphs 2 (Responsibilities to the Process), 4(a), 4(d), 4(e), 4(f) and 4(g) (Disclosure Obligations), 5(c), 5(h) and 5(i) (Performance of Duties by Candidates and Arbitrators), and 8 (Maintenance of Confidentiality) of this Code of Conduct.</p> <p>(h) An arbitrator shall not engage in any ex parte contact concerning the tribunal proceeding.</p> <p>(i) A candidate or arbitrator shall only communicate matters concerning actual or potential violations of this Code of Conduct to the Secretary-General, disputing</p>	<p>(c) A panellist shall carry out all duties fairly and diligently.</p> <p>(d) A panellist shall comply with the provisions of Chapter 28 (Dispute Settlement) and the applicable Rules.</p> <p>(e) A panellist shall not deny other panellists the opportunity to participate in all aspects of the panel proceeding.</p> <p>(f) A panellist shall consider only those issues raised in the panel proceeding and necessary to make a decision.</p> <p>(g) A panellist shall not delegate the duty to decide to any other individual.</p> <p>(h) A panellist shall take all reasonable steps to ensure that his or her assistants and staff comply with paragraphs 2 (Responsibilities to the Process), 4 (Disclosure Obligations), 5(d) and 5(i) (Performance of Duties by Candidates and Panellists) and 8 (Maintenance of Confidentiality) of this Code of Conduct.</p> <p>(i) A panellist shall not engage in any ex parte contact concerning the panel proceeding, pursuant to Rules 72 through 74.</p> <p>(j) A candidate or panellist shall only communicate matters concerning actual or potential violations of this Code of Conduct to the responsible office, or if necessary to ascertain whether that candidate or panellist has violated or may violate this Code of Conduct, to the responsible office or the disputing Parties.</p>	<p>9. An arbitrator shall not engage in ex parte contacts concerning the proceedings.</p>	<p>with, Articles 2, 3, 5 and 7 of this Code of Conduct.</p> <p>4. Members shall not discuss any aspect of the subject matter of the proceedings with a disputing party or the disputing parties in the absence of the other members of the division of the Tribunal or the Appeal Tribunal.</p>

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					parties and arbitration institution in charge of the proceedings, or if necessary to ascertain whether that candidate or arbitrator has violated or may violate this Code of Conduct, to the Secretary-General, the disputing parties, and arbitration institution in charge of the proceedings. (j) Each arbitrator shall keep a record and render a final account of the time devoted to the proceeding and of his or her expenses, as well as the time and expenses of his or her staff and assistants.			
Independence and Impartiality	<p>Part IV: Independence and Impartiality of Members</p> <p>A. A member shall be independent and impartial. A member shall act in a fair manner and shall avoid creating an appearance of impropriety or an apprehension of bias.</p> <p>B. A member shall not be influenced by self-interest, outside pressure, political considerations, public clamour, loyalty to a Party or fear of criticism.</p> <p>C. A member shall not, directly or indirectly, incur any obligation or accept any benefit that would in any way interfere, or appear to interfere, with the proper performance of the member's duties.</p> <p>D. A member shall not use the member's position on the</p>	<p>10. A Member must be independent and impartial and avoid creating an appearance of bias or impropriety and shall not be influenced by self-interest, outside pressure, political considerations, public clamour, loyalty to a disputing party or a non-disputing Party or fear of criticism.</p> <p>11. A Member shall not, directly or indirectly, incur any obligation or accept any benefit that would in any way interfere or appear to interfere, with the proper performance of his or her duties.</p> <p>12. A Member may not use his or her position on the Tribunal to advance any personal or private interests and shall avoid actions that may create the impression that others are in a special</p>	<p>VI. Independence and Impartiality of Arbitrators</p> <p>1. An arbitrator shall be independent and impartial. An arbitrator shall not allow past or existing financial, business, professional, family or social relationships or responsibilities to influence his or her conduct or judgment, and shall not be influenced by self-interest, outside pressure, political considerations and loyalty to a Party or fear of criticism.</p> <p>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.</p> <p>3. An arbitrator shall not accept any benefit that would in any way affect, or appear to affect, the arbitrator's duties.</p> <p>4. An arbitrator shall not use the arbitrator's position on the</p>	<p>Independence and impartiality of arbitrators</p> <p>11. An arbitrator shall avoid creating an appearance of bias and shall not be influenced by self-interest, outside pressure, political considerations, public clamour, loyalty to a Party, or fear of criticism.</p> <p>12. An arbitrator shall not, directly or indirectly, incur any obligation or accept any benefit that would in any way interfere, or appear to interfere, with the proper performance of her or his duties.</p> <p>13. An arbitrator may not use her or his position on the arbitration panel to advance any personal or private interests and shall avoid actions that may create the impression that others are in a special position to influence her or him.</p> <p>14. An arbitrator may not allow financial, business,</p>	<p>6. Independence and Impartiality of Arbitrators</p> <p>(a) An arbitrator shall be independent and impartial. An arbitrator shall act in a fair manner and shall not create an appearance of impropriety or an apprehension of bias.</p> <p>(b) An arbitrator shall not be influenced by self-interest, outside pressure, political considerations, public clamour, loyalty to a disputing party or a non-disputing Party or fear of criticism.</p> <p>(c) An arbitrator shall not, directly or indirectly, incur any obligation or accept any benefit that would in any way interfere, or appear to interfere, with the proper performance of his or her duties.</p> <p>(d) An arbitrator shall not use his or her position on the tribunal to advance any personal or private interests.</p>	<p>6. Independence and Impartiality of Panellists</p> <p>(a) A panellist shall be independent and impartial. A panellist shall act in a fair manner and shall not create an appearance of impropriety or an apprehension of bias.</p> <p>(b) A panellist shall not be influenced by self-interest, outside pressure, political considerations, public clamour, loyalty to a Party or fear of criticism.</p> <p>(c) 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.</p> <p>(d) A panellist 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</p>	<p>Independence and Impartiality of Arbitrators</p> <p>10. An arbitrator shall avoid creating an appearance of bias and shall not be influenced by self-interest, outside pressure, political considerations, public clamour and loyalty to a Party or fear of criticism.</p> <p>11. An arbitrator shall not, directly or indirectly, incur any obligation or accept any benefit that would in any way interfere, or appear to interfere, with the proper performance of his duties.</p> <p>12. An arbitrator shall not use his position on the arbitration panel to advance any personal or private interests and shall avoid actions that may create the impression that others are in a special position to influence him.</p> <p>13. An arbitrator shall not allow financial, business, professional, personal or social relationships or responsibilities</p>	<p>ARTICLE 5 Independence and Impartiality of Members</p> <p>1. Members shall be independent and impartial and avoid creating an appearance of bias or impropriety and shall not be influenced by self-interest, outside pressure, political considerations, public clamour, loyalty to a Party or disputing party or fear of criticism.</p> <p>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.</p> <p>3. Members shall not use their position as a member to advance any personal or private interests and shall avoid actions that may create the impression</p>

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	<p>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.</p> <p>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.</p> <p>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.</p>	<p>position to influence him or her.</p> <p>13. A Member may not allow financial, business, professional, family or social relationships or responsibilities to influence his or her conduct or judgement.</p> <p>14. A Member must avoid entering into any relationship or acquiring any financial interest that is likely to affect him or her impartiality or that might reasonably create an appearance of impropriety or bias.</p>	<p>arbitral tribunal to advance any personal or private interests. An arbitrator shall avoid actions that may create the impression that others are in a special position to influence the arbitrator. An arbitrator shall make every effort to prevent or discourage others from representing themselves as being in such position.</p>	<p>professional, family or social relationships or responsibilities to influence her or his conduct or judgement.</p> <p>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.</p>	<p>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.</p> <p>(e) An arbitrator shall not allow past or ongoing financial, business, professional, family or social relationships or responsibilities to influence his or her conduct or judgment.</p> <p>(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.</p> <p>(g) If an interest, relationship or matter of a candidate or arbitrator is inconsistent with subparagraphs (a) through (f), the candidate may accept appointment to a tribunal and an arbitrator may continue to serve on a tribunal if the disputing parties waive the violation or if, after the candidate or arbitrator has taken steps to ameliorate the violation, the disputing parties determine that the inconsistency has ceased.</p>	<p>to influence the panellist. A panellist shall make every effort to prevent or discourage others from representing themselves as being in such a position.</p> <p>(e) A panellist shall not allow past or ongoing financial, business, professional, family or social relationships or responsibilities to influence his or her conduct or judgment.</p> <p>(f) A panellist 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.</p> <p>(g) If an interest, relationship or matter of a candidate or panellist is inconsistent with subparagraphs (a) through (f), the candidate may accept appointment to a panel and a panellist may continue to serve on a panel if the disputing Parties waive the violation or if, after the candidate or panellist has taken steps to ameliorate the violation, the disputing Parties determine that the inconsistency has ceased.</p>	<p>to influence his conduct or judgement.</p> <p>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.</p>	<p>that others are in a special position to influence them.</p> <p>4. Members shall not allow financial, business, professional, family or social relationships or responsibilities to influence their conduct or judgment.</p> <p>5. Members shall avoid entering into any relationship or acquiring any financial interest that is likely to affect their impartiality or that might reasonably create an appearance of impropriety or bias.</p> <p>[FN n . 1 For greater certainty, the fact that a Member receives an income from a government or has a family relationship with a person who receives an income from the government shall not in itself be considered to be inconsistent with paragraph 2 and 5.]</p>
Obligations after proceeding	<p>Part V: Duties in Certain Situations</p> <p>A. For a period of one year after the completion of an Article 1904 proceeding, a</p>	<p>Obligations of former Members</p> <p>15. All former Members must avoid actions that may create the appearance that they were biased</p>		<p>Obligations of former arbitrators</p> <p>16. All former arbitrators must avoid actions that may create the appearance that they were biased in carrying out</p>	<p>7. Duties of Former Arbitrators</p> <p>A former arbitrator shall avoid actions that may create the appearance that the arbitrator was biased in carrying out his or her duties or would benefit</p>	<p>7. Duties of Former Panellists</p> <p>A former panellist shall avoid actions that may create the appearance that the panellist was biased in carrying out his</p>	<p>Obligations of Former Arbitrators</p> <p>15. All former arbitrators shall avoid actions that may create the appearance that they were biased in carrying out</p>	<p>ARTICLE 6</p> <p>Obligations of Former Members</p> <p>1. All former members shall avoid actions that may create</p>

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	<p>former member shall not personally advise or represent any participant in the proceeding with regard to antidumping or countervailing duty matters.</p> <p>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.</p> <p>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.</p>	<p>in carrying out their duties or derived any advantage from the decision or ruling of the Tribunal or the Appeal Tribunal.</p> <p>16. Without prejudice to Article 3.9(5) (Tribunal of First Instance) and Article 3.10(4) (Appeal Tribunal), Members shall undertake that after the end of their term, they shall not become involved in any manner whatsoever:</p> <p>(a) in investment disputes which were pending before the Tribunal or the Appeal Tribunal before the end of their term;</p> <p>(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.</p> <p>17. Members shall undertake that for a period of three years after the end of their term, they shall not act as representatives of one of the disputing parties in investment disputes before the Tribunal or the Appeal Tribunal.</p> <p>18. 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</p>		<p>their duties or derived advantage from the decision or ruling of the arbitration panel.</p>	<p>from the decision, order or award of the tribunal.</p>	<p>or her duties or would benefit from the decision of the panel.</p>	<p>their duties or derived advantage from the decisions or rulings of the arbitration panel.</p>	<p>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.</p> <p>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:</p> <p>(a) investment disputes which were pending before the Tribunal or the Appeal Tribunal before the end of their term;</p> <p>(b) investment disputes with which they dealt with as members of the Tribunal or the Appeal Tribunal and other disputes that have matters of fact in common with such disputes or arise out of the same events and circumstances as such disputes.</p> <p>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</p> <p>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</p>

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		paragraphs 15 through 17, he shall examine the matter, and provide the opportunity to the former Member to be heard. If, after verification, he finds the alleged breach to be confirmed, he shall inform: (a) the professional body or other such institution with which that former Member is affiliated; (b) the Parties; and (c) the president of any other relevant investment tribunal or appeal tribunal. The President of the Tribunal or of the Appeal Tribunal shall make public its findings pursuant to this paragraph.						to have acted inconsistently with the obligations set up in paragraphs 1 to 3, the President shall examine the matter, provide the opportunity to the former member to be heard, and, after verification, inform thereof: (a) the professional body or other such institution with which that former Member is affiliated; (b) the 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 any actions referred to in subparagraphs (a) to (c), together with the reasons therefore.
Confidentiality	Part VI: Maintenance of Confidentiality A. A member or former member shall not at any time disclose or use any non-public information concerning the proceeding or acquired during the proceeding except for the purposes of the proceeding and shall not, in any case, disclose or use any such information to gain personal advantage or advantage for others or to affect adversely the interest of another. B. A member shall not disclose a declaratory opinion under Article 1903 or a panel or extraordinary challenge committee order or decision	19. No Member or former Member shall at any time disclose or use any non-public information concerning a proceeding or acquired during a proceeding, except for the purposes of that proceeding, and shall not, in particular, disclose or use any such information to a personal advantage or an advantage for others or to affect the interest of others. 20. A 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	VII. Confidentiality 1. Each covered person shall at all times maintain the confidentiality of non-public information acquired during deliberations and proceedings of the arbitral tribunal. No covered person shall at any time use such information to gain personal advantage or advantage for others. 2. No covered person shall disclose the award of the arbitral tribunal, or make any statements on the arbitral tribunal's proceedings or the issues in dispute, until the final award is made available to the public in accordance with paragraph 7 of Article 19.12 (Award) of the Agreement.	Confidentiality 17. No arbitrator or former arbitrator shall at any time disclose or use any non-public information concerning a proceeding or acquired during a proceeding except for the purposes of that proceeding and shall not, in any case, disclose or use any such information to gain personal advantage or advantage for others or to adversely affect the interest of others. 18. An arbitrator shall not disclose an arbitration panel ruling or parts thereof prior to its publication in accordance with this Chapter. 19. An arbitrator or former arbitrator shall not at any time disclose the deliberations	8. Maintenance of Confidentiality (a) An arbitrator or former arbitrator shall not at any time disclose or use any non-public information concerning the tribunal proceeding or acquired during the tribunal proceeding except for the purposes of the tribunal proceeding and shall not, in any case, disclose or use any such information to gain personal advantage or advantage for others or to affect adversely the interest of another. (b) An arbitrator shall not disclose a decision, order or award or parts thereof prior to its publication in accordance	8. Maintenance of Confidentiality (a) A panellist or former panellist shall not at any time disclose or use any nonpublic information concerning the panel proceeding or acquired during the panel proceeding except for the purposes of the panel 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. (b) A panellist shall not disclose a panel report issued under Chapter 28 (Dispute Settlement) prior to release of the final report by the disputing Parties. A panellist	Confidentiality 16. No arbitrator or former arbitrator shall at any time disclose or use any non-public information concerning proceedings or acquired during proceedings except for the purposes of those proceedings and shall not, in any case, disclose or use any such information to gain personal advantage or advantage for others or to adversely affect the interest of others. 17. An arbitrator shall not disclose an arbitration panel ruling or parts thereof prior to its publication in accordance with Chapter 15 (Dispute Settlement).	ARTICLE 7 Confidentiality 1. Members and former Members shall not disclose or use at any time any non-public information concerning proceedings or acquired during proceedings, except for the purposes of the proceedings, and shall not, in any event, disclose or use such information to gain personal advantage or advantage for others or to adversely affect the interest of others 2. Members shall not disclose a decision or award or parts thereof prior to its publication in accordance with the transparency provisions of

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/ IA will enter in force when ratified by all EU MS) (Full text available here)	Australia-Japan EPA (State-State) (Annex B Code of Conduct of Arbitrators, Rules of Procedure of Arbitral Tribunals) (EPA in force Jan. 15, 2015) (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, Members of The Appeal Tribunal and Mediators) (Draft) (Full text available here)
	<p>under Article 1904 prior to its issuance by the panel or committee.</p> <p>C. A member shall not disclose a special committee report or decision under Article 1905 prior to its public release by the Secretariat. A member or former member shall not at any time disclose which members are associated with majority or minority opinions in an Article 1905 proceeding.</p> <p>D. A member shall not disclose a panel report issued under Chapter 20 prior to its publication by the Commission. A member or former member shall not at any time disclose which members are associated with majority or minority opinions in a proceeding under Chapter 20.</p> <p>E. A member or former member shall not at any time disclose the deliberations of a panel or committee, or any member's view, except as required by law.</p>	or Appeal Tribunal, or any Member's view regarding the deliberations.	3. A covered person shall not at any time disclose which arbitrators are associated with any majority or minority opinions in the award of the arbitral tribunal.	of an arbitration panel, or any member's view.	with Chapter 9 Section B (Investor-State Dispute Settlement), except in accordance with Article 9.23.10 (Conduct of the Arbitration). (c) An arbitrator or former arbitrator shall not at any time disclose the deliberations of a tribunal, or any arbitrator's view. [FN: For greater certainty, this subparagraph (c) does not apply to the arbitrator's view in a decision, order, award or opinion.] (d) An arbitrator shall not make a public statement regarding the merits of a pending tribunal proceeding.	or former panellist shall not at any time disclose which panellists are associated with majority or minority opinions in a panel proceeding under Chapter 28. (c) A panellist or former panellist shall not at any time disclose the deliberations of a panel, or any panellist's view. (d) A panellist shall not make a public statement regarding the merits of a pending panel proceeding.	18. An arbitrator or a former arbitrator shall not disclose the deliberations of an arbitration panel, or any arbitrator's view at any time.	Article 3.36 (Transparency of Proceedings). 3. Members and former Members shall not disclose at any time the deliberations of the Tribunal or the Appeal Tribunal, or any member's views, whatever they may be.
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.	<p>Expenses 22. Each Member shall keep a record and render a final account of the time devoted to the procedure and of the expenses incurred.</p> <p>Mediators 23. The disciplines described in this Code of Conduct applying to Members or former Members shall apply, mutatis mutandis, to mediators.</p>		<p>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</p>	9. Responsibilities of Experts, Assistants and Staff Paragraphs 2 (Responsibilities to the Process), 4(a), 4(d), 4(e), 4(f) and 4(g) (Disclosure Obligations), 5(c), 5(h) and 5(i) (Performance of Duties by Candidates and Arbitrators), 7 (Duties of Former Arbitrators) and 8 (Maintenance of Confidentiality) of this Code of Conduct shall also apply to experts, assistants and staff.	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 Panellists), 7 (Duties of Former Panellists) and 8 (Maintenance of Confidentiality) of this Code of Conduct shall also apply to experts, assistants and staff.	<p>Expenses 19. Each arbitrator shall keep a record and render a final account of the time devoted to the procedure and of his expenses, as well as the time and expenses of his assistant and staff.</p> <p>Mediators 20. This Code of Conduct applies mutatis mutandis to mediators.</p>	<p>ARTICLE 8 Expenses Each Member shall keep a record and render a final account of the time devoted to the procedure and of the expenses incurred Mediators.</p> <p>ARTICLE 9 Mediators The rules set out in this Code of Conduct as applying to Members or former Members</p>

PROVISION	NAFTA	EU- Singapore IPA (ISDS)	Australia-Japan EPA (State-State)	CETA (State-State)	CPTPP (ISDS)	CPTPP (State-State)	EU-Vietnam FTA (State-State)	EU-Vietnam IPA (ISDS)
	<i>(Only applicable to Chapter 19 and 20)</i>	<i>(Annex 7 Code of Conduct for Members of The Tribunal, The Appeal Tribunal and Mediators) (FTA in force Nov. 21, 2019/ IA will enter in force when ratified by all EU MS)</i>	<i>(Annex B Code of Conduct of Arbitrators, Rules of Procedure of Arbitral Tribunals) (EPA in force Jan. 15, 2015)</i>	<i>(Annex 29-B (State-State)) (In force provisionally Sept. 21, 2017) (Code applicable to ISDS has not yet been published)</i>	<i>(Chapter 9, Section B, Code for ISDS) (In force Dec. 30, 2018)</i>	<i>(Chapter 28, Annex I, Code of Conduct (State-State))</i>	<i>(Annex 15-B (State-State)) (Draft)</i>	<i>(Annex 11 Code of Conduct for Members of The Tribunal, Members of The Appeal Tribunal and Mediators) (Draft)</i>
	<i>(Full text available here)</i>	<i>(Full text available here)</i>	<i>(Full text available here)</i>	<i>(Full text available here)</i>	<i>(Full text available here)</i>	<i>(Full text available here)</i>	<i>(Full text available here)</i>	<i>(Full text available here)</i>
		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.			10. Review A Party to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership may request the Trans-Pacific Partnership Commission established under Article 27.1 (Establishment of the Trans-Pacific Partnership Commission) to review and amend the Code of Conduct for Investor-State Dispute Settlement to take into account, as appropriate, relevant developments concerning Investor-State Dispute Settlement.			apply, mutatis mutandis, to mediators.

PROVISION	EU-Mexico Trade Agreement (as agreed on April 21, 2018) (ISDS)	EU-Mexico Trade Agreement (as agreed on April 21, 2018) (State-State)	Indonesia-Australia CEPA (ISDS)	Indonesia-Australia CEPA (State-State)	Canada-Korea FTA (CKFTA) (State-State)	Australia-Hong Kong FTA (State-State)	EU-UK Trade and Cooperation Agreement	United States-Mexico-Canada Agreement (USMCA) (State-State)
	<i>(Annex [I] to Chapter on Resolution of Investment Disputes (ISDS); Code of Conduct for Members of the Tribunal, the Appeal Tribunal and Mediators)</i>	<i>(Annex [XX] to Chapter on Dispute Settlement (State-State) Code of Conduct for panellists and mediators)</i>	<i>(Annex 14-A Code of Conduct for Arbitrators) (CEPA ratified by Australia in Nov. 2019, and Indonesia in Feb. 2020)</i>	<i>(Annex 20-B Code of Conduct (State-State)) (CEPA ratified by Australia in Nov. 2019, and Indonesia in Feb. 2020)</i>	<i>(Annex 21-B, Code of Conduct for Members of Panels (State-State))</i>	<i>(Annex 18-B (State-State))</i>	<i>(Annex Inst: Code of Conduct for Arbitrators) (As Agreed by Parties, L44/14 O.J., 31.12.2020)</i>	<i>(Art. 31.8.2(d); Code of Conduct. Decision No. 1, Annex 3 (State-State))</i>
	<i>(Full text available here)</i>	<i>(Full text available here)</i>	<i>(Full text available here)</i>	<i>(Full text available here)</i>	<i>(Full text available here)</i>	<i>(Full text available here)</i>	<i>(Full text available here)</i>	<i>(Full text available here)</i>
Definitions /Scope	Article 1 Definitions In this Code of Conduct: (a) member means a Member of the Tribunal or a Member of the Appeal Tribunal established pursuant to [Section X] (Resolution of Investment Disputes)); (b) mediator means a person who conducts mediation in accordance with Article 4 (Mediation) of [Section X (Resolution of Investment Disputes)];	I. Definitions 1. 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 an panellist, conducts research or provides assistance to that panellist; (c) "candidate" means an individual who is under		Definitions 1. For the purposes of Chapter 20 (Consultations and Dispute Settlement): assistant means a person who, under the terms of appointment of a panellist, conducts research or provides support for the panellist; panellist means a member of a panel established under Article 20.7 (Request for Establishment of Panels); proceeding, unless otherwise provided, means a panel proceeding under Chapter 20	Definitions 1. For the purposes of this Annex: (a) panellist means a member of a panel established under Article 21. 6; (b) candidate means a natural person who is under consideration for selection as a member of a panel under Article 21.7; (c) assistant means a natural person who, under the terms of appointment of a panellist, conducts research or provides assistance to the panellist;	Definitions 1. For the purposes of this Annex: assistant means a person who, under the terms of appointment of a panellist, conducts research or provides support for the panellist; panellist means a member of a panel established or reconvened under Article 18.8; proceeding means the proceeding of a panel under this Chapter, unless otherwise specified; and	I. Definitions 1. For the purposes of this this Code of Conduct, the following definitions apply: (a) "administrative staff" means, in respect of an arbitrator, individuals under the direction and control of an arbitrator, other than assistants; (b) "arbitrator" means a member of an arbitration tribunal; (c) "assistant" means an individual who, under the	Article 1: Application The Parties place prime importance on the integrity and impartiality of proceedings conducted under Chapter 10 (Trade Remedies) and Chapter 31 (Dispute Settlement) of the Agreement. This Code of Conduct (the "Code") is established to ensure that these principles are respected. Article 2: Interpretation 1. For the purposes of this Code:

PROVISION	<i>EU-Mexico Trade Agreement (as agreed on April 21, 2018) (ISDS)</i> <i>(Annex [I] to Chapter on Resolution of Investment Disputes (ISDS); Code of Conduct for Members of the Tribunal, the Appeal Tribunal and Mediators)</i> <i>(Full text available here)</i>	<i>EU-Mexico Trade Agreement (as agreed on April 21, 2018) (State-State)</i> <i>(Annex [XX] to Chapter on Dispute Settlement (State-State) Code of Conduct for panellists and mediators)</i> <i>(Full text available here)</i>	<i>Indonesia-Australia CEPA (ISDS)</i> <i>(Annex 14-A Code of Conduct for Arbitrators) (CEPA ratified by Australia in Nov. 2019, and Indonesia in Feb. 2020)</i> <i>(Full text available here)</i>	<i>Indonesia-Australia CEPA (State-State)</i> <i>(Annex 20-B Code of Conduct (State-State)) (CEPA ratified by Australia in Nov. 2019, and Indonesia in Feb. 2020)</i> <i>(Full text available here)</i>	<i>Canada-Korea FTA (CKFTA) (State-State)</i> <i>(Annex 21-B, Code of Conduct for Members of Panels (State-State))</i> <i>(Full text available here)</i>	<i>Australia-Hong Kong FTA (State-State)</i> <i>(Annex 18-B (State-State))</i> <i>(Full text available here)</i>	<i>EU-UK Trade and Cooperation Agreement</i> <i>(Annex Inst: Code of Conduct for Arbitrators) (As Agreed by Parties, L44/14 O.J., 31.12.2020)</i> <i>(Full text available here)</i>	<i>United States-Mexico-Canada Agreement (USMCA) (State-State)</i> <i>(Art. 31.8.2(d); Code of Conduct. Decision No. 1, Annex 3 (State-State))</i> <i>(Full text available here)</i>
	<i>(c) candidate means an individual who is under consideration for selection as a Member of the Tribunal or Appeal Tribunal;</i> <i>(d) assistant means a person who, under the terms of appointment of a Member, assists the Member in his research or supports him in his duties;</i>	<i>consideration for selection as a panellist under Article X.5 (Establishment of a Panel) of Chapter [X] (Dispute Settlement);</i> <i>(d) "mediator" means an individual who has been selected as mediator in accordance with Article X.28 (Selection of a Mediator) of Chapter [X] (Dispute Settlement);</i> <i>(e) "panellist" means a member of a panel.</i>		<i>(Consultations and Dispute Settlement); and</i> <i>staff, in respect of a panellist, means persons under the direction and control of the panellist, other than an assistant.</i>	<i>(d) proceeding, unless otherwise specified, means a panel proceeding under this Chapter; and</i> <i>(e) staff, in respect of a panellist, means natural persons under the direction and control of the panellist, other than assistants.</i>	<i>staff means persons under the direction and control of a panellist, other than assistants.</i>	<i>terms of appointment of an arbitrator, conducts research or provides assistance to that arbitrator; and</i> <i>(d) "candidate" means an individual whose name is on a list of arbitrators referred to in Article INST.27 [Lists of Arbitrators] of Title I [Dispute Settlement] of Part Six of this Agreement or who is under consideration for selection as an arbitrator under Article INST.15 [Establishment of an arbitration tribunal] of Title I [Dispute Settlement] of Part Six of this Agreement.</i>	<i>Agreement means the agreement signed between Canada, Mexico, and the United States on November 30, 2018, as amended;</i> <i>assistant means a person who, under the terms of appointment of a member, conducts research or provides support for the member;</i> <i>candidate means:</i> <i>(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);</i> <i>(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);</i> <i>or</i> <i>(c) an individual who is under consideration for appointment as a member of a committee</i>

PROVISION	<p><i>EU-Mexico Trade Agreement (as agreed on April 21, 2018) (ISDS)</i></p> <p><i>(Annex [I] to Chapter on Resolution of Investment Disputes (ISDS); Code of Conduct for Members of the Tribunal, the Appeal Tribunal and Mediators)</i></p> <p><i>(Full text available here)</i></p>	<p><i>EU-Mexico Trade Agreement (as agreed on April 21, 2018) (State-State)</i></p> <p><i>(Annex [XX] to Chapter on Dispute Settlement (State-State) Code of Conduct for panellists and mediators)</i></p> <p><i>(Full text available here)</i></p>	<p><i>Indonesia-Australia CEPA (ISDS)</i></p> <p><i>(Annex 14-A Code of Conduct for Arbitrators) (CEPA ratified by Australia in Nov. 2019, and Indonesia in Feb. 2020)</i></p> <p><i>(Full text available here)</i></p>	<p><i>Indonesia-Australia CEPA (State-State)</i></p> <p><i>(Annex 20-B Code of Conduct (State-State)) (CEPA ratified by Australia in Nov. 2019, and Indonesia in Feb. 2020)</i></p> <p><i>(Full text available here)</i></p>	<p><i>Canada-Korea FTA (CKFTA) (State-State)</i></p> <p><i>(Annex 21-B, Code of Conduct for Members of Panels (State-State))</i></p> <p><i>(Full text available here)</i></p>	<p><i>Australia-Hong Kong FTA (State-State)</i></p> <p><i>(Annex 18-B (State-State))</i></p> <p><i>(Full text available here)</i></p>	<p><i>EU-UK Trade and Cooperation Agreement</i></p> <p><i>(Annex Inst: Code of Conduct for Arbitrators) (As Agreed by Parties, L44/14 O.J., 31.12.2020)</i></p> <p><i>(Full text available here)</i></p>	<p><i>United States-Mexico-Canada Agreement (USMCA) (State-State)</i></p> <p><i>(Art. 31.8.2(d); Code of Conduct. Decision No. 1, Annex 3 (State-State))</i></p> <p><i>(Full text available here)</i></p>
								<p>under Annex 10-B.3 (Extraordinary Challenge Procedure) or Article 10.13 (Safeguarding the Panel Review System);</p> <p>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;</p> <p>member means:</p> <p>(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 Antidumping 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 Review and Remediation), Article 31-A.5 (Requests for Establishment of Rapid Response Labor Panel), or Article 31-B.5 (Requests for Establishment of Rapid Response Labor Panel);</p>

PROVISION	<i>EU-Mexico Trade Agreement (as agreed on April 21, 2018) (ISDS)</i> <i>(Annex [I] to Chapter on Resolution of Investment Disputes (ISDS); Code of Conduct for Members of the Tribunal, the Appeal Tribunal and Mediators)</i> <i>(Full text available here)</i>	<i>EU-Mexico Trade Agreement (as agreed on April 21, 2018) (State-State)</i> <i>(Annex [XX] to Chapter on Dispute Settlement (State-State) Code of Conduct for panellists and mediators)</i> <i>(Full text available here)</i>	<i>Indonesia-Australia CEPA (ISDS)</i> <i>(Annex 14-A Code of Conduct for Arbitrators) (CEPA ratified by Australia in Nov. 2019, and Indonesia in Feb. 2020)</i> <i>(Full text available here)</i>	<i>Indonesia-Australia CEPA (State-State)</i> <i>(Annex 20-B Code of Conduct (State-State)) (CEPA ratified by Australia in Nov. 2019, and Indonesia in Feb. 2020)</i> <i>(Full text available here)</i>	<i>Canada-Korea FTA (CKFTA) (State-State)</i> <i>(Annex 21-B, Code of Conduct for Members of Panels (State-State))</i> <i>(Full text available here)</i>	<i>Australia-Hong Kong FTA (State-State)</i> <i>(Annex 18-B (State-State))</i> <i>(Full text available here)</i>	<i>EU-UK Trade and Cooperation Agreement</i> <i>(Annex Inst: Code of Conduct for Arbitrators) (As Agreed by Parties, L44/14 O.J., 31.12.2020)</i> <i>(Full text available here)</i>	<i>United States-Mexico-Canada Agreement (USMCA) (State-State)</i> <i>(Art. 31.8.2(d); Code of Conduct. Decision No. 1, Annex 3 (State-State))</i> <i>(Full text available here)</i>
								<p><i>(b) a member of an extraordinary challenge committee constituted under Annex 10-B.3 (Extraordinary Challenge Procedure); or</i></p> <p><i>(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;</i></p> <p><i>proceeding, unless otherwise specified, means:</i></p> <p><i>(a) a panel review under Article 10.11 (Review of Statutory Amendments) or Article 10.12 (Review of Final Antidumping and Countervailing Duty Determinations);</i></p> <p><i>(b) an extraordinary challenge proceeding under Annex 10-B.3 (Extraordinary Challenge Procedure);</i></p> <p><i>(c) a special committee proceeding under Article 10.13 (Safeguarding the Panel Review System);</i></p> <p><i>(d) a panel proceeding under Section A of Chapter 31 (Dispute Settlement); or</i></p> <p><i>(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</i></p>

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								<p><i>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) (Free Trade Commission) and Article 31.11 (Rules of Procedure for Panels);</i></p> <p><i>Secretariat means the Secretariat established under Article 30.6 (The Secretariat); and</i></p> <p><i>staff, in respect of a member, means persons under the direction and control of the member, other than assistants.</i></p> <p><i>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.</i></p>
Responsibilities during proceeding			<p><i>Responsibilities to the Process</i></p> <p><i>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.</i></p>	<p><i>Responsibilities to the Process</i></p> <p><i>2. Each panellist 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 panellists must comply with the obligations in paragraphs 15, 16, 17 and 18.</i></p>	<p><i>Responsibilities to the Process</i></p> <p><i>2. Every candidate and panellist 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 panellists must comply with the obligations established in paragraphs 15 through 18.</i></p>	<p><i>Responsibilities to the Process</i></p> <p><i>2. Each panellist 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 is preserved. Former panellists shall comply with the obligations established in paragraph 18, paragraph 19 and paragraph 21.</i></p>	<p><i>II. Governing Principles</i></p> <p><i>2. In order to preserve the integrity and impartiality of the dispute settlement mechanism, each candidate and arbitrator shall:</i></p> <p><i>(a) get acquainted with this Code of Conduct;</i></p> <p><i>(b) be independent and impartial;</i></p> <p><i>(c) avoid direct or indirect conflicts of interest;</i></p> <p><i>(d) avoid impropriety and the appearance of impropriety or bias;</i></p> <p><i>(e) observe high standards of conduct; and</i></p> <p><i>(f) not be influenced by self-interest, outside pressure, political considerations, public</i></p>	<p><i>Article 3: Responsibilities to the Process</i></p> <p><i>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.</i></p>

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							<p><i>clamour, and loyalty to a Party or fear of criticism.</i></p> <p><i>3. An arbitrator shall not, directly or indirectly, incur any obligation or accept any benefit that would in any way interfere, or appear to interfere, with the proper performance of his or her duties.</i></p> <p><i>4. 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.</i></p> <p><i>5. An arbitrator shall not allow past or existing financial, business, professional, personal, or social relationships or responsibilities to influence his or her conduct or judgement.</i></p> <p><i>6. An arbitrator shall avoid entering into any relationship or acquiring any financial interest that is likely to affect his or her impartiality or that might reasonably create an appearance of impropriety or bias</i></p>	
Disclosure	<p><i>Article 3</i></p> <p><i>Disclosure Obligations</i></p> <p><i>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 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</i></p>	<p><i>III. Disclosure obligations</i></p> <p><i>[8.] Prior to the acceptance of his or her appointment as a panellist under Article X.5 (Establishment of a Panel) of Chapter [X] (Dispute Settlement), a candidate requested to serve as a panellist shall disclose the existence of any interest, relationship or matter that is likely to affect his or her independence or impartiality</i></p>	<p><i>Disclosure Obligations</i></p> <p><i>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</i></p>	<p><i>Disclosure Obligations</i></p> <p><i>3. Prior to confirmation of his or her selection as a panellist under Article 20.8 (Establishment and Reconvening of Panels), a panellist 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</i></p>	<p><i>Disclosure Obligations</i></p> <p><i>3. Prior to confirmation of his or her selection as a panellist 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</i></p>	<p><i>Disclosure Obligations</i></p> <p><i>3. Prior to confirmation of his or her selection as a panellist 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 give rise to justifiable doubts as to his or her independence or impartiality, in conducting the proceedings. To this end, a</i></p>	<p><i>III. Disclosure obligations</i></p> <p><i>7. Prior to the acceptance of his or her appointment as an arbitrator under Article INST.15 [Establishment of an arbitration tribunal] of Title I [Dispute Settlement] of Part Six of this Agreement, a candidate requested to serve as an arbitrator shall disclose any interest, relationship or matter that is likely to affect his or her independence or</i></p>	<p><i>Article 4: Disclosure Obligations</i></p> <p><i>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</i></p>

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	<p>appearance of impropriety or bias. To this end, candidates shall make all reasonable efforts to become aware of any such interests, relationships or matters.</p> <p>2. Upon her or his appointment to a division of the Tribunal or of the Appeal Tribunal, the Secretariat of the Tribunal or of the Appeal Tribunal, respectively, shall provide a Member with the Disclosure Statement form set out in the Appendix to this Code of Conduct. A Member shall make his or her best efforts to submit the Disclosure Statement to the Secretariat within 15 days, for transmission to the Parties, the disputing parties and the President of the Tribunal or Appeal Tribunal, as the case may be.</p> <p>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:</p> <p>(a) any financial or personal interest of the Member in:</p>	<p>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, including financial interests, professional interests, or employment or family interests.</p> <p>[9]. Therefore, a candidate shall disclose, at a minimum, the following interests, relationships and matters:</p> <p>(i) any financial or personal interest of the candidate in:</p> <p>(a) the panel proceeding or its outcome; and</p> <p>(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;</p> <p>(ii) any financial interest of the candidate's employer, business partner, business associate or family member in:</p> <p>(a) the panel proceeding or its outcome; and</p> <p>(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;</p>	<p>candidate shall make all reasonable efforts to become aware of any such interests, relationships and matters.</p> <p>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.</p>	<p>proceeding. To this end, a panellist shall make all reasonable efforts to become aware of any such interests, relationships or matters.</p> <p>4. 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 obligation to disclose is a continuing duty which requires a panellist to disclose any such interests, relationships or matters that may arise during any stage of the proceeding. A panellist shall disclose such interests, relationships or matters by communicating them in writing to the Joint Committee for consideration by the Parties.</p>	<p>reasonable efforts to become aware of any such interests, relationships and matters.</p> <p>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.</p> <p>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.</p>	<p>candidate shall make all reasonable efforts to become aware of any such interests, relationships and matters.</p> <p>4. 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 by communicating them in writing to the Joint Commission for consideration by the Parties. The obligation to disclose 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.</p>	<p>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, including financial interests, professional interests, or employment or family interests.</p> <p>8. The disclosure obligation under paragraph 7 is a continuing duty which requires an arbitrator to disclose any such interests, relationships or matters that may arise during any stage of the proceedings.</p> <p>9. A candidate or an arbitrator shall communicate to the Partnership Council for consideration by the Parties any matters concerning actual or potential violations of this Code of Conduct at the earliest time he or she becomes aware of them.</p>	<p>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.</p> <p>2. A candidate shall make all reasonable efforts to identify any interests, relationships, and matters referred to in paragraph 1.</p> <p>3. The candidate shall disclose such interests, relationships, and matters by completing an Initial Disclosure Statement provided by the Secretariat and sending it to the Secretariat.</p> <p>4. Without limiting the generality of the disclosure requirement in paragraph 1, candidates shall disclose the following interests, relationships, and matters:</p> <p>(a) any financial interest of the candidate in:</p> <p>(i) the proceeding or in its outcome, and</p> <p>(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;</p> <p>(b) any financial interest of the candidate's employer, business partner, business associate, or family member in:</p>

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	<p><i>(i) the proceeding or its outcome; and</i></p> <p><i>(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;</i></p> <p><i>(b) any financial interest of the Member's employer, or professional partner or associate, or close family member⁸ in:</i> <i>[fn 8: For the purpose of this Code of Conduct the term "close family member" refers to a spouse, sibling, parent or life partner, in addition to any other family member with whom a close relationship exists.]</i></p> <p><i>(i) the proceeding or its outcome; and</i></p> <p><i>(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;</i></p> <p><i>(c) any past or current financial, business, professional, family or social relationship with any interested parties in the proceeding, or their counsel; and</i></p> <p><i>(d) public advocacy or legal or other representation concerning an issue in dispute in the proceeding or involving</i></p>	<p><i>(iii) any past or current financial, business, professional, family or social relationship with any interested parties in the panel proceeding, or their counsel, or any such relationship involving a candidate's employer, business partner, business associate or family member; and</i></p> <p><i>(iv) public advocacy or legal or other representation concerning an issue in dispute in the panel proceeding or involving the same goods, services or investments.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>[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</i></p>						<p><i>(i) the proceeding or in its outcome, and</i></p> <p><i>(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;</i></p> <p><i>(c) 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, business partner, business associate, or family member; and</i></p> <p><i>(d) public advocacy or legal or other representation concerning an issue in dispute in the proceeding or concerning a dispute involving the same good, service, investment, or government procurement that is the subject of the dispute in the proceeding.</i></p> <p><i>5. The candidate shall also include in their Initial Disclosure Statement any publication by the candidate that has a direct relationship with the matter in dispute in the proceeding in which the candidate was requested to serve.</i></p> <p><i>6. A member in an Article 10.12 (Review of Final Antidumping and Countervailing Duty Determinations) proceeding shall, after receiving the</i></p>

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	<p>the same investors or investments.</p> <p>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.</p> <p>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.</p> <p>6. Any doubt as to whether a Member should disclose certain interest, relationship or matter should be resolved in favour of disclosure. Disclosure of an interest, relationship or matter is without prejudice as to whether the interest, relationship or matter is covered by this Code of Conduct, or whether it is inconsistent with Article 13, paragraph 1 (Ethics).</p>	Chapter [X] ("Dispute Settlement").						<p>complaint, disclose any interests, advocacy or representation referred to in sub-subparagraph 4(a)(ii) or 4(b)(ii) or subparagraph 4(d) by completing a Supplementary Disclosure Statement provided by the Secretariat and sending it to the Secretariat for consideration by the appropriate Parties.</p> <p>7. Throughout the proceeding, a candidate or member shall continue to make all reasonable efforts to identify any interests, relationships, or matters referred to in paragraphs 1 or 4 and shall disclose them. The obligation to disclose is a continuing duty that requires a candidate or member to disclose any such interests, relationships, and matters that may arise during any stage of the proceeding. The candidate or member shall promptly disclose such interests, relationships, and matters by completing a Supplementary Disclosure Statement and sending it to the Secretariat for consideration by the appropriate Parties.</p> <p>8. In the event of any uncertainty regarding whether an interest, relationship, or matter must be disclosed, 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 paragraph 1, 4, or</p>

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								<p>7, or whether it warrants recusal, disqualification, or other remedial measures.</p> <p>9. The disclosure obligations referred to in paragraphs 1 through 8 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. Candidates and members are not called upon to disclose interests, relationships, or matters whose bearing on their role in the proceeding would be trivial.</p> <p>10. This Code does not determine whether or under what circumstances the Parties will disqualify a candidate or member from being appointed to, or serving as a member of, a panel or committee on the basis of disclosures made.</p>
Duties	<p>Article 4 Duties of Members</p> <p>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.</p> <p>2. Members shall consider only those issues raised in the proceeding and which are necessary for a decision or award and shall not delegate this duty to any other person.</p>	<p>IV. Duties of Panellists</p> <p>11. Upon acceptance of his or her appointment, a panellist shall be available to perform and shall perform his or her duties thoroughly and expeditiously throughout the proceedings, and with fairness and diligence.</p> <p>12. A panellist shall consider only the issues raised in the proceedings and necessary for a decision and shall not delegate this duty to any other person.</p> <p>13. Experts, assistants and administrative staff shall</p>	<p>Performance of Duties by Arbitrators</p> <p>4. An arbitrator shall comply with the provisions of this Chapter and the applicable rules of procedure.</p> <p>5. On selection, an arbitrator shall perform his or her duties thoroughly and expeditiously throughout the course of the proceeding with fairness and diligence.</p> <p>6. An arbitrator shall not deny other arbitrators the opportunity to participate in all aspects of the proceeding.</p>	<p>Duties</p> <p>5. Upon selection, a panellist shall perform his or her duties thoroughly and expeditiously throughout the course of the proceeding.</p> <p>6. A panellist shall carry out all duties fairly and diligently.</p> <p>7. A panellist 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.</p>	<p>Duties of Panellists</p> <p>6. Upon selection, a panellist shall perform his or her duties thoroughly and expeditiously throughout the course of the proceeding with fairness and diligence.</p> <p>7. A panellist shall consider only those issues raised in the proceeding and necessary for a ruling and shall not delegate this duty to another person.</p> <p>8. A panellist shall take all appropriate steps to ensure that his or her assistant and staff are aware of, and comply</p>	<p>Performance of Duties by Panellists</p> <p>5. A panellist shall comply with the relevant provisions of this Chapter. Unless the Parties otherwise agree, a panellist shall also apply Annex 18-A when conducting panel proceedings.</p> <p>6. On selection, a panellist shall perform his or her duties thoroughly and expeditiously throughout the course of the proceedings with fairness and diligence.</p> <p>7. A panellist shall not deny other panellists the</p>	<p>IV. Duties of Arbitrators</p> <p>10. 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 proceedings, and with fairness and diligence.</p> <p>11. An arbitrator shall consider only the issues raised in the proceedings and which are necessary for a decision and shall not delegate that duty to any other person.</p> <p>12. An arbitrator shall take all appropriate steps to ensure</p>	<p>Article 5: Duties of Candidates and Members</p> <p>1. A candidate or member shall avoid direct or indirect conflicts of interest.</p> <p>2. A candidate should consider declining an appointment as a member of a panel or committee, and a member should consider refusing to continue to act, if:</p> <p>(a) they have any doubt as to their ability to be impartial or independent; or</p> <p>(b) facts or circumstances exist, or have arisen since the appointment, which would</p>

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	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.	comply with the obligations incurred by panellists under Part [Governing Principles [II], Impartiality, Duties of Panellists [IV], Disclosure obligations [III], and Confidentiality [VI]] of this Code of Conduct. In this regard, a panellist shall take all reasonable measures and necessary steps to ensure that they are aware of, and comply with, such obligations. [14]. A panellist shall not engage in any ex parte contact concerning the panel proceeding.	7.An arbitrator shall consider only those issues raised in the proceeding and necessary to rendering a decision and shall not delegate the duty to decide to any other person. 8.An arbitrator shall take all appropriate steps to ensure that his or her assistant and staff are aware of, and comply with, paragraphs 1, 2, 3, 18, 19 and 20. 9.An arbitrator shall not engage in ex parte contacts 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 panellist shall take all reasonable steps to ensure that the panellist's staff and assistants comply with this Annex. 9. A panellist shall promptly report to both Parties matters concerning actual or potential violations of this Annex by another panellist.	with paragraphs 2 through 5, 16, 17, and 18. 9. A panellist shall not engage in ex parte contacts concerning the proceeding.	opportunity to participate in all aspects of the proceedings, except for proceedings carried out pursuant to Article 18.12.5. 8. A panellist 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. A panellist shall take all appropriate steps to ensure that his or her assistant and staff comply with relevant principles in this Annex. 10. A panellist shall not engage in ex parte contacts concerning the proceedings. 11. A panellist shall promptly report to the Parties matters concerning actual or potential violations of this Annex by another panellist.	that his or her assistants and administrative staff are aware of, and comply with, the obligations incurred by arbitrators under Parts II, III, IV and VI of this Code of Conduct.	create an appearance of impropriety or an apprehension of bias. 3. A candidate who accepts an appointment as a member shall carry out all of their duties fairly and diligently, and shall be available to perform, and once appointed shall perform, their duties in a thorough and expeditious manner throughout the course of the proceeding. 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 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.

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								10. A candidate or member shall only communicate matters concerning actual or potential violations of this Code to the Secretariat, or if necessary to ascertain whether that candidate or member has violated or may violate this Code, to the Secretariat and the disputing Parties.
Independence and Impartiality	Article 2 <i>Independence and Impartiality of Members</i> 1. Members must be independent and impartial and avoid impropriety and the appearance of impropriety or bias. They shall avoid direct and 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. 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. 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. 4. Members shall not allow financial, business,	II. Governing Principles 3. In order to preserve the integrity and impartiality of the dispute settlement mechanism each candidate and panellist 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; (x) respect the confidentiality of panel proceedings; (f) observe high standards of conduct; and (e) not be influenced by self-interest, outside pressure, political considerations, public clamour, and loyalty to a Party or fear of criticism. 4. A panellist shall not (a) , 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. (b) use his or her position on the panel to advance any personal or private interests. A panellist shall avoid actions	Independence and Impartiality of Arbitrators 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 disputing 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 his or her 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	Independence and Impartiality of Panellists 10. A panellist shall be independent and impartial. A panellist shall act in a fair manner and shall avoid creating an appearance of impropriety or bias and shall not be influenced by self-interest, outside pressure, political considerations, public clamour, and loyalty to a Party or fear of criticism. 11. 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. 12. A panellist 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 him or her. 13. A panellist shall not allow past or existing financial, business, professional, family or social relationships or responsibilities to influence his or her conduct or judgment.	Independence and Impartiality of Panellists 10. A panellist shall be independent and impartial, shall 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. 11. 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. 12. 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. 13. A panellist shall not allow financial, business, professional, family or social relationships or responsibilities to influence his or her conduct or judgement. 14. A panellist shall avoid entering into a relationship or	Independence and Impartiality of Panellists 12. A panellist shall be independent and impartial. A panellist shall act in a fair manner and avoid creating an appearance of impropriety or bias. 13. A panellist shall not be influenced by self-interest, outside pressure, political considerations, public clamour, loyalty to a Party or fear of criticism. 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. 15. A panellist 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 the panellist. A panellist shall endeavour to prevent or discourage others from representing themselves as being in such a position. 16. A panellist shall not allow past or existing financial,	Article 6: Independence and Impartiality of Members 1. 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. 2. A member shall not be influenced by self-interest, outside pressure, political considerations, public clamor, loyalty to a Party, or fear of criticism. 3. A member shall not, directly or indirectly, incur any obligation or accept any benefit that would in any way interfere, or appear to interfere, with the proper performance of the member's duties. 4. A member shall not use the member's position on the panel or committee to advance any personal or private interests. A member shall avoid actions that may create the impression that others are in a special position to influence the member. A member shall make every effort to prevent or discourage others from representing	

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	<i>professional, family or social relationships or responsibilities to influence their conduct or judgment.</i> <i>5. Members must avoid entering into any relationship or acquiring any financial interest that is likely to affect their impartiality or that might reasonably create an appearance of impropriety or bias.</i>	<i>that may create the impression that others are in a special position to influence him or her.</i> <i>(c) allow past or existing financial, business, professional, personal, or social relationships or responsibilities to influence his or her conduct or judgement.</i> <i>[5.] A panellist shall avoid entering into any relationship or acquiring any financial interest that is likely to affect his or her impartiality or that might reasonably create an appearance of impropriety or bias.</i>	<i>themselves as being in such a position.</i> <i>15. An arbitrator shall not allow past or existing financial, business, professional, family or social relationships or responsibilities to influence the arbitrator's conduct or judgment.</i> <i>16. An arbitrator shall avoid entering into any relationship, or acquiring any financial interest, that is likely to affect his or her impartiality or that might reasonably create an appearance of impropriety or bias.</i>	<i>14. A panellist shall avoid entering into any relationship, or acquiring any financial interest, that is likely to affect his or her impartiality or that might reasonably create an appearance of impropriety or bias.</i>	<i>acquiring a financial interest that is likely to affect his or her impartiality or that might reasonably create an appearance of impropriety or bias.</i>	<i>business, professional, family or social relationships or responsibilities to influence his or her conduct or judgement.</i> <i>17. A panellist shall avoid entering into any relationship or acquiring any financial interest that is likely to affect his or her impartiality or that might reasonably create an appearance of impropriety or bias.</i>		<i>themselves as being in such a position.</i> <i>5. A member shall not allow past or existing financial, business, professional, family, or social relationships or responsibilities to influence the member's conduct or judgment.</i> <i>6. A member shall avoid entering into any relationship, or acquiring any financial interest, that is likely to affect the member's impartiality or that might reasonably create an appearance of impropriety or an apprehension of bias.</i> <i>7. If the disputing Parties agree that an interest, relationship, or matter of a candidate or member is inconsistent with paragraphs 1 through 6, the candidate may accept appointment to a panel and a member may continue to serve on a panel or committee if the disputing Parties waive the inconsistency or if, after the candidate or member has taken steps to ameliorate the violation, the disputing Parties determine that the inconsistency has ceased and the disputing Parties agree that the candidate should be appointed or the member should continue to serve.</i>
Obligations after proceeding	<i>Obligations of Former Members</i> <i>1. Former Members shall avoid actions that may create the appearance that they were biased in carrying out their duties or derived advantage from the decisions</i>	<i>V. Obligations of Former Panellists</i> <i>[14.] Each former panellist shall avoid actions that may create the appearance that he or she was biased in carrying out the duties or derived advantage from the decision of the panel.</i>	<i>Duties in Certain Situations</i> <i>17. An arbitrator or former arbitrator shall avoid actions that may create the appearance that the arbitrator was biased in carrying out his or her duties or would benefit from the decision or award of the arbitral tribunal.</i>	<i>Obligations of Former Panellists</i> <i>15. All former panellists must avoid actions that may create the appearance that they were biased in carrying out their duties or derived advantage from the findings,</i>	<i>Obligations of Former Panellists</i> <i>15. All former panellists shall avoid actions that may create the appearance that they were biased in carrying out their duties or derived advantage from the decision or ruling</i>	<i>Duties in Certain Situations</i> <i>18. A panellist or former panellist shall avoid actions that may create the appearance that he or she was biased in carrying out his or her duties or would benefit from the decision or report of the panel.</i>	<i>V. Obligations of Former Arbitrators</i> <i>13. Each former arbitrator shall avoid actions that may create the appearance that he or she was biased in carrying out the duties or derived advantage from the decision of the arbitration tribunal.</i>	<i>Article 7: Duties in Certain Situations</i> <i>1. For a period of one year after the completion of an Article 10.12 (Review of Final Antidumping and Countervailing Duty Determinations) proceeding, a former member shall not</i>

PROVISION	<p><i>EU-Mexico Trade Agreement (as agreed on April 21, 2018) (ISDS)</i></p> <p><i>(Annex [I] to Chapter on Resolution of Investment Disputes (ISDS); Code of Conduct for Members of the Tribunal, the Appeal Tribunal and Mediators)</i></p> <p><i>(Full text available here)</i></p>	<p><i>EU-Mexico Trade Agreement (as agreed on April 21, 2018) (State-State)</i></p> <p><i>(Annex [XX] to Chapter on Dispute Settlement (State-State) Code of Conduct for panellists and mediators)</i></p> <p><i>(Full text available here)</i></p>	<p><i>Indonesia-Australia CEPA (ISDS)</i></p> <p><i>(Annex 14-A Code of Conduct for Arbitrators) (CEPA ratified by Australia in Nov. 2019, and Indonesia in Feb. 2020)</i></p> <p><i>(Full text available here)</i></p>	<p><i>Indonesia-Australia CEPA (State-State)</i></p> <p><i>(Annex 20-B Code of Conduct (State-State)) (CEPA ratified by Australia in Nov. 2019, and Indonesia in Feb. 2020)</i></p> <p><i>(Full text available here)</i></p>	<p><i>Canada-Korea FTA (CKFTA) (State-State)</i></p> <p><i>(Annex 21-B, Code of Conduct for Members of Panels (State-State))</i></p> <p><i>(Full text available here)</i></p>	<p><i>Australia-Hong Kong FTA (State-State)</i></p> <p><i>(Annex 18-B (State-State))</i></p> <p><i>(Full text available here)</i></p>	<p><i>EU-UK Trade and Cooperation Agreement</i></p> <p><i>(Annex Inst: Code of Conduct for Arbitrators) (As Agreed by Parties, L44/14 O.J., 31.12.2020)</i></p> <p><i>(Full text available here)</i></p>	<p><i>United States-Mexico-Canada Agreement (USMCA) (State-State)</i></p> <p><i>(Art. 31.8.2(d); Code of Conduct. Decision No. 1, Annex 3 (State-State))</i></p> <p><i>(Full text available here)</i></p>
	<p>or awards of the Tribunal or the Appeal Tribunal.</p> <p>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:</p> <p>(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</p> <p>(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.</p> <p>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.</p> <p>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:</p>	<p>15. Each former panellist shall comply with the obligations in Part VI of this Code of Conduct.</p>		<p>rulings or recommendations of the panel.</p>	<p>of the panel.</p>		<p>14. Each former arbitrator shall comply with the obligations in Part VI of this Code of Conduct.</p>	<p>personally advise or represent any participant in the proceeding with regard to antidumping or countervailing duty matters.</p> <p>2. In the case of an Article 10.12 (Review of Final Antidumping and Countervailing Duty Determinations) proceeding, a member or a former member shall not represent a participant in an administrative proceeding, a domestic court proceeding, or another Article 10.12 proceeding involving the same goods.</p> <p>3. In any proceeding under Chapter 31 (Dispute Settlement), a member shall refrain, for the duration of the proceeding, from acting as counsel or party-appointed expert witness in any new or pending dispute, under the Agreement or another international agreement, that directly addresses the same measure in dispute in, or arises out of the facts giving rise to, the proceeding under Chapter 31.</p> <p>4. 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</p>

PROVISION	<i>EU-Mexico Trade Agreement (as agreed on April 21, 2018) (ISDS)</i> <i>(Annex [I] to Chapter on Resolution of Investment Disputes (ISDS); Code of Conduct for Members of the Tribunal, the Appeal Tribunal and Mediators)</i> <i>(Full text available here)</i>	<i>EU-Mexico Trade Agreement (as agreed on April 21, 2018) (State-State)</i> <i>(Annex [XX] to Chapter on Dispute Settlement (State-State) Code of Conduct for panellists and mediators)</i> <i>(Full text available here)</i>	<i>Indonesia-Australia CEPA (ISDS)</i> <i>(Annex 14-A Code of Conduct for Arbitrators) (CEPA ratified by Australia in Nov. 2019, and Indonesia in Feb. 2020)</i> <i>(Full text available here)</i>	<i>Indonesia-Australia CEPA (State-State)</i> <i>(Annex 20-B Code of Conduct (State-State)) (CEPA ratified by Australia in Nov. 2019, and Indonesia in Feb. 2020)</i> <i>(Full text available here)</i>	<i>Canada-Korea FTA (CKFTA) (State-State)</i> <i>(Annex 21-B, Code of Conduct for Members of Panels (State-State))</i> <i>(Full text available here)</i>	<i>Australia-Hong Kong FTA (State-State)</i> <i>(Annex 18-B (State-State))</i> <i>(Full text available here)</i>	<i>EU-UK Trade and Cooperation Agreement</i> <i>(Annex Inst: Code of Conduct for Arbitrators) (As Agreed by Parties, L44/14 O.J., 31.12.2020)</i> <i>(Full text available here)</i>	<i>United States-Mexico-Canada Agreement (USMCA) (State-State)</i> <i>(Art. 31.8.2(d); Code of Conduct. Decision No. 1, Annex 3 (State-State))</i> <i>(Full text available here)</i>
	<i>(a) 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.</i>							
Confiden- tiality	Article 6 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)] as 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. A panellist 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 panellist shall not, in any case, disclose or use such information to gain personal advantage or advantage for others or to adversely affect the interest of others. 17. A panellist shall not disclose a report or decision of the panel or parts thereof prior to its publication in accordance with Chapter [X] (Dispute Settlement). 18. A panellist shall not, at any time, disclose the deliberations of a panel, or any panellist'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 18. An arbitrator or former arbitrator shall not at any time disclose or use any non-public information concerning the proceeding or acquired during the proceeding except for the purposes of the proceeding and shall not, in any case, disclose or use any such information to gain personal advantage or advantage for others or to affect adversely the interest of others. 19. An arbitrator shall not disclose an arbitral tribunal award or parts thereof prior to its publication. 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. A panellist or former panellist shall not at any time disclose or use any confidential or non-public information concerning the proceeding or acquired during the proceeding except for the purposes of the proceeding and shall not, in any case, disclose or use any such information to gain personal advantage or advantage for others or to affect adversely the interest of others. 17. A panellist or former panellist shall not disclose a report or parts thereof prior to its publication. 18. A panellist or former panellist shall not at any time disclose the deliberations of a panel, or any panellist's view except as required by law.	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 a proceeding, except for the purposes of that proceeding, or disclose or use, in any case, such information to gain personal advantage or advantage for others or to adversely affect the interest of others. 17. A panellist shall not disclose a panel ruling or parts thereof prior to its publication in accordance with this Agreement. 18. A panellist or former panellist shall not disclose, at any time, the deliberations of a panel or a panellist's view.	Maintenance of Confidentiality 19. Except for the purposes of the proceedings, a panellist or former panellist shall not at any time disclose or use any non-public information concerning the proceedings or acquired during the proceedings and shall not, in any case, disclose or use any such information to gain personal advantage, advantage for others or to affect adversely the interest of others. 20. A panellist shall not disclose a panel report or parts thereof prior to its publication. 21. A panellist or former panellist shall not at any time disclose to the public the deliberations of a panel or any panellist's view, except as required by legal requirements.	VI. Confidentiality 15. 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. An arbitrator shall not, in any case, disclose or use such information to gain personal advantage or advantage for others, or to adversely affect the interests of others. 16. An arbitrator shall not disclose a decision of the arbitration tribunal or parts thereof prior to its publication in accordance with Title I [Dispute Settlement] of Part Six of this Agreement. 17. An arbitrator shall not, at any time, disclose the deliberations of an arbitration tribunal, or any arbitrator's view, nor make any statements on the proceedings for which he or she has been	Article 8: Confidentiality 1. A member or former member shall not at any time disclose or use any non-public information concerning the proceeding or acquired during the proceeding except for the purposes of the proceeding and shall not, in any case, disclose or use any such information to gain personal advantage or advantage for others or to affect adversely the interest of another. 2. A member shall not disclose a declaratory opinion under Article 10.11 (Review of Statutory Amendments) or a panel or extraordinary challenge committee order or decision under Article 10.12 (Review of Final Antidumping and Countervailing Duty Determinations) prior to its issuance by the panel or committee. 3. A member shall not disclose a special committee report or decision under Article 10.13

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	<i>views, whatever they may be. A Member shall not make a public statement regarding the merits of a pending proceeding.</i>	<i>panel decides by majority vote, a panellist shall not disclose which panellists² are associated with majority or minority opinions in a panel proceeding under Chapter [X] (Dispute Settlement). [fn 2 Note: check the plural (scrubbing)].</i>					<i>appointed or on the issues in dispute in the proceedings.</i>	<i>(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.</i>
Others	<i>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.</i> <i>Article 8 Mediators The rules set out in this Code of Conduct as applying to Members or former Members</i>	<i>VII. Expenses 19. Each panellist 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.</i> <i>VIII. Mediators 20. This Code of Conduct shall apply to mediators, mutatis mutandis.</i>					<i>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.</i>	<i>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.</i>

PROVISION	<i>EU-Mexico Trade Agreement (as agreed on April 21, 2018) (ISDS)</i> <i>(Annex [I] to Chapter on Resolution of Investment Disputes (ISDS); Code of Conduct for Members of the Tribunal, the Appeal Tribunal and Mediators)</i> <i>(Full text available here)</i>	<i>EU-Mexico Trade Agreement (as agreed on April 21, 2018) (State-State)</i> <i>(Annex [XX] to Chapter on Dispute Settlement (State-State) Code of Conduct for panellists and mediators)</i> <i>(Full text available here)</i>	<i>Indonesia-Australia CEPA (ISDS)</i> <i>(Annex 14-A Code of Conduct for Arbitrators) (CEPA ratified by Australia in Nov. 2019, and Indonesia in Feb. 2020)</i> <i>(Full text available here)</i>	<i>Indonesia-Australia CEPA (State-State)</i> <i>(Annex 20-B Code of Conduct (State-State)) (CEPA ratified by Australia in Nov. 2019, and Indonesia in Feb. 2020)</i> <i>(Full text available here)</i>	<i>Canada-Korea FTA (CKFTA) (State-State)</i> <i>(Annex 21-B, Code of Conduct for Members of Panels (State-State))</i> <i>(Full text available here)</i>	<i>Australia-Hong Kong FTA (State-State)</i> <i>(Annex 18-B (State-State))</i> <i>(Full text available here)</i>	<i>EU-UK Trade and Cooperation Agreement</i> <i>(Annex Inst: Code of Conduct for Arbitrators) (As Agreed by Parties, L44/14 O.J., 31.12.2020)</i> <i>(Full text available here)</i>	<i>United States-Mexico-Canada Agreement (USMCA) (State-State)</i> <i>(Art. 31.8.2(d); Code of Conduct. Decision No. 1, Annex 3 (State-State))</i> <i>(Full text available here)</i>
	shall apply, mutatis mutandis, to mediators. Article 9 Consultative Committee 1. The President of the Tribunal and the President 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.							

PROVISION	<i>Australia-China FTA (ISDS)</i> <i>(Annex 9-A, Code of Conduct applicable to ISDS)</i> <i>(Full text available here)</i>	<i>Australia-China FTA (State-State)</i> <i>(Annex 15-A, Code of Conduct (State-State))</i> <i>(Full text available here)</i>	<i>Australia-Republic of Korea FTA (KAFTA) (State-State)</i> <i>(Annex 20-A, Code of Conduct (State-State))</i> <i>(Full text available here)</i>	<i>Australia-Singapore FTA (SAFTA) (ISDS & State-State)</i> <i>(Annex 7 , Code of Conduct for Arbitrators appointed under ISDS & State-State)</i> <i>(Full text available here)</i>	<i>Australia-United States FTA (State-State)</i> <i>(Art. 21.7.5(b); Chapter 20, Annex 3) (State-State))</i> <i>(Full text available here)</i>	<i>Australia-Chile FTA (State-State)</i> <i>(Art. 21.7.5(d); Rules of Procedure, Appendix (State-State))</i> <i>(Full text available here)</i>	<i>Central America-Chile FTA (State-State)</i> <i>(Art. 19.10.1(d); Capítulo 19, Código de Conducta. Decisión No. 9, Anexo No. 2 (State-State)) (Spanish)</i> <i>(Full text available here)</i>	<i>Central America-Mexico FTA (State-State)</i> <i>(Art. 17.9.4(d); Código de Conducta. Decisión No. 5, Anexo 2 (State-State)) (Spanish)</i> <i>(Full text available here)</i>
Definitions/ Scope	<i>Definitions</i> 21. For the purposes of this Annex: assistant means a person who, under the terms of appointment of an arbitrator, conducts research or provides support for the arbitrator; arbitrator means a member of an arbitral tribunal established under Section B of this Chapter;	<i>Definitions</i> 1. 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 Article 15.7; (c) proceeding, unless otherwise specified, means the	<i>Definitions</i> 21. For the purpose of this Annex: assistant means a person who, under the terms of appointment of a panellist, conducts research or provides support for the panellist; panellist means a member of a panel established under Article 20.8; proceeding, unless otherwise specified, means a panel	<i>Definitions</i> For the purposes of this Annex, unless otherwise specified: “arbitrator” means a member of a tribunal appointed under Article 27 (Selection of Arbitrators) of Chapter 8 (Investment) or Article 5 (Composition of Arbitral Tribunals) of Chapter 16 (Dispute Settlement). “proceeding means a tribunal proceeding under Chapter 8	1. Definitions (a) For purposes of this Code of Conduct, (i) Agreement means the Australia - United States Free Trade Agreement; (ii) assistant means a person who, under the terms of appointment of a member, conducts research or provides support for the member; (iii) candidate means	I. Scope This Code of Conduct shall apply to each person serving as a panelist, panelist's assistant or administrative personnel involved in the proceedings of an arbitral panel (hereinafter referred to as "covered person"). Each panelist shall take all reasonable measures to ensure that his or her assistant or administrative personnel	<i>Definiciones</i> 1. Para los efectos de este Código se entenderá por: asistente; toda persona que, de conformidad con las condiciones del nombramiento de un miembro, realiza investigación o brinda apoyo a dicho miembro; candidato: un individuo cuyo nombre figure en la lista de árbitros a que se refiere el Artículo 19.09;	<i>Artículo 1. Disposiciones Generales</i> 1. El presente Código de Conducta se establece para asegurar el respeto a los principios de integridad, independencia e imparcialidad que deben regir los procedimientos del Capítulo XVII (Solución de Controversias) del Tratado y se aplicará a los miembros de los Paneles Arbitrales a que hace

PROVISION	<i>Australia-China FTA (ISDS)</i> <i>(Annex 9-A, Code of Conduct applicable to ISDS)</i> <i>(Full text available here)</i>	<i>Australia-China FTA (State-State)</i> <i>(Annex 15-A, Code of Conduct (State-State))</i> <i>(Full text available here)</i>	<i>Australia-Republic of Korea FTA (KAFTA) (State-State)</i> <i>(Annex 20-A, Code of Conduct (State-State))</i> <i>(Full text available here)</i>	<i>Australia-Singapore FTA (SAFTA) (ISDS & State-State)</i> <i>(Annex 7 , Code of Conduct for Arbitrators appointed under ISDS & State-State)</i> <i>(Full text available here)</i>	<i>Australia-United States FTA (State-State)</i> <i>(Art. 21.7.5(b); Chapter 20, Annex 3) (State-State))</i> <i>(Full text available here)</i>	<i>Australia-Chile FTA (State-State)</i> <i>(Art. 21.7.5(d); Rules of Procedure, Appendix (State-State))</i> <i>(Full text available here)</i>	<i>Central America-Chile FTA (State-State)</i> <i>(Art. 19.10.1(d); Capítulo 19, Código de Conducta. Decisión No. 9, Anexo No. 2 (State-State)) (Spanish)</i> <i>(Full text available here)</i>	<i>Central America-Mexico FTA (State-State)</i> <i>(Art. 17.9.4(d); Código de Conducta. Decisión No. 5, Anexo 2 (State-State)) (Spanish)</i> <i>(Full text available here)</i>
	<i>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.</i>	<i>proceeding of an arbitral tribunal under this Chapter; and (d) staff, in respect of an arbitrator, means a person under the director and control of the arbitrator, other than assistants.</i>	<i>proceeding under this Chapter; and staff, in respect of a panellist, means persons under the direction and control of the panellist, other than assistants.</i>	<i>(investment) or Chapter 16 (Dispute Settlement).</i>	<i>(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); (iv) expert means an individual or body providing information or technical advice as set forth in Article 21.8.3. (v) member means a member of a panel constituted pursuant to Article 13.18 or 21.7; (vi) 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; (vii) Party means a Party to the Agreement; (viii) 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; (ix) responsible office means the office of the Party complained against; and (x) staff, in respect of a member, means persons under the direction and control of the member, other than assistants.</i> <i>(b) Any reference made in this Code of Conduct to an Article, Annex or Chapter is a reference to the appropriate</i>	<i>comply with Parts IV to VII of this Code of Conduct. The Parties may agree to exempt any covered person, other than a panelist, from application of a part or all of this Code of Conduct.</i> <i>II. Governing Principle Each panelist shall be independent and impartial, and shall avoid direct or indirect conflicts of interest. Furthermore, each panelist and former panelist 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.</i>	<i>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.</i>	<i>referencia el Artículo 17.10 (Integración del Panel Arbitral) del Tratado y a quienes el Código de Conducta expresamente indique. 2. El objetivo fundamental de este Código de Conducta es que todo candidato o miembro debe revelar la existencia de cualquier interés, relación o asunto que pudiera afectar su independencia o imparcialidad o que pudiera razonablemente crear una apariencia de deshonestidad o de parcialidad. Existe apariencia de deshonestidad o de parcialidad cuando una persona razonable, con conocimiento de todas las circunstancias pertinentes que una investigación razonable podría arrojar, concluiría que se encuentra menoscabada 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 media empresarial servir como miembros, privando así a las Partes contendientes y a las terceras Partes de los servicios de aquellos quienes pueden estar mejor calificados para servir como miembros. Consecuentemente, los candidatos y miembros no deben ser requeridos a revelar intereses, relaciones o asuntos cuya influencia en su función sería trivial sobre el procedimiento.</i>

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					<p>Article, Annex or Chapter of the Agreement.</p> <p>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 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.</p> <p>(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.</p>			<p>4. Los candidatos y miembros tienen la obligación continua de revelar, durante todo el procedimiento, los intereses, relaciones o asuntos que puedan estar vinculados con la integridad, independencia o imparcialidad del sistema de solución de controversias.</p> <p>5. Este Código de Conducta no determina si, con base en las revelaciones realizadas, las Partes contendientes recusarán o destituirán a un candidato o miembro, o bajo qué circunstancias lo harían .</p> <p>Artículo 2. Definiciones</p> <p>1. Para efectos de las Reglas Modelo de Procedimiento y de este Código de Conducta se entenderá por:</p> <p>candidato:</p> <p>(a) un individuo cuyo nombre aparece en la lista establecida de conformidad con el Artículo 17.9 (Lista y Cualidades de los Panelistas), o</p> <p>(b) un individuo que este siendo considerado para ser designado como miembro de un Panel Arbitral de conformidad con el Artículo 17.10 (Integración del Panel Arbitral);</p> <p>experto: significa una persona o grupo que facilita información o asesoría técnica según lo dispuesto en el Artículo 17.13 (Información y Asesoría Técnica);</p> <p>miembro: un miembro de un Panel Arbitral integrado de conformidad con el Artículo 17.10 (Integración del Panel Arbitral);</p> <p>miembro de la familia: significa el cónyuge de un miembro o candidato, o</p>

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								<i>padres, hijos, abuelos, nietos, hermana, hermano, tía, tío, sobrina o sobrino del miembro o candidato (incluyendo parientes consanguíneos hasta el cuarto grado y parientes por afinidad hasta el segundo grado); o el cónyuge de tal persona; personal: respecto de un miembro, las personas distintas de los asistentes, que estén bajo su dirección o control; procedimiento: salvo disposición en contrario, un procedimiento ante un Panel Arbitral desarrollado de conformidad con el Capítulo XVII (Solución de Controversias). 2.Cualquier referencia en este Código de Conducta a un Artículo, Anexo o Capítulo, se entiende al Artículo, Anexo o Capítulo correspondiente del Tratado.</i>
Responsi- bilities during proceeding	<i>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.</i>	<i>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.</i>	<i>Responsibilities to the Process 1. Every panellist 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 panellists shall comply with the obligations established in paragraphs 16 through 19.</i>	<i>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.</i>	<i>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.</i>	<i>III. Observance of the Governing Principle To ensure the observance of the Governing Principle of this Code of Conduct, each panelist is expected: 1. to adhere strictly to the provisions of Chapter 21 of the Agreement and the Rules of Procedure; 2. to maintain confidentiality; 3. to disclose the existence or development of any interest, relationship or matter that the panelist could reasonably be expected to know and that is likely to affect, or give rise to justifiable doubts as to, that panelist's independence or impartiality; and</i>	<i>Deberes respecto del Sistema de solución de controversias 3. Los candidatos y miembros evitarán la deshonestidad o apariencia de deshonestidad; 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. Toda persona que haya sido miembro de un grupo arbitral deberá observar lo establecido en las disposiciones sobre</i>	<i>Artículo 3. Responsabilidades respecto del sistema de solución de controversias Todo candidato, miembro y ex miembro será honesto y guardará un alto nivel de conducta, de tal manera que sean preservadas la integridad, independencia e imparcialidad del sistema de solución de controversias.</i>

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						4. 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	Obligaciones de los ex – miembros y Confidencialidad.	
Disclosure	<p><i>Disclosure Obligations</i></p> <p>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.</p> <p>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.</p>	<p><i>Disclosure Obligations</i></p> <p>3. 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.</p> <p>4. Once selected, an arbitrator shall continue to make all reasonable efforts to become aware of any interests, relationships and matters referred to in paragraph 3 and shall disclose them by communicating them in writing to the FTA Joint Commission for consideration by the 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.</p>	<p><i>Disclosure Obligations</i></p> <p>2. Prior to confirmation of his or her selection as a panellist 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.</p> <p>3. Once selected, a panellist 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 Joint Committee for consideration by the Parties. The obligation to disclose is a continuing duty, which requires a panellist to disclose any such interests, relationships and matters that may arise during any stage of the proceeding.</p>	<p><i>Disclosure Obligations</i></p> <p>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.</p> <p>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 Parties for their consideration. 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.</p>	<p>4. Disclosure Obligations</p> <p>(a) 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.</p> <p>(b) A candidate shall disclose any interest, relationship or matter that is likely to affect the candidate's independence or impartiality or that might reasonably create an appearance of impropriety or an apprehension of bias in the proceeding. To this end, a candidate shall make all reasonable efforts to become aware of any such interests, relationships and matters. Therefore, candidates shall disclose, at a minimum, the following interests, relationships and matters:</p> <p>(i) any financial interest of the candidate in</p> <p>(A) the proceeding or in its outcome, and</p> <p>(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;</p>	<p>IV. Obligation of Self-Disclosure</p> <p>1. Each person appointed to serve as a panelist shall disclose any information relevant to the matter under dispute, such as:</p> <p>1. financial interests (e.g. investments, loans, shares, interests, other debts), business interests (e.g. directorship or other contractual interests) and property interests relevant to the dispute in question;</p> <p>2. professional interests relevant to the dispute in question (e.g. any interests the person may have in domestic or international proceedings, and their implications, where these involve issues similar to those addressed in the dispute in question);</p> <p>3. other active interests relevant to the dispute in question (e.g. active participation in public interest groups or other organisations which may have a declared agenda relevant to the dispute in question);</p> <p>4. considered statements of personal opinion on issues relevant to the dispute in question (e.g. publications, public statements); and</p> <p>5. employment or family interests relevant to the</p>	<p>Obligación de declaración de intereses</p> <p>4. Antes de recibir confirmación de su elección como miembro de un grupo conforme al Artículo 19.08, un candidato revelará todo interés, relación o asunto que pudiese afectar su independencia o imparcialidad o que razonablemente pudiese causar la impresión de conducta deshonesto o parcial en el procedimiento. Con este fin, un candidato realizará todos los esfuerzos razonables para tener conocimiento de tales intereses, relaciones o asuntos.</p> <p>5. Sin limitar la generalidad de lo anterior, todo candidato revelará lo siguiente:</p> <p>a) cualquier interés financiero o personal del candidato:</p> <p>i) en el procedimiento o en su resultado, y</p> <p>ii) en un procedimiento judicial, administrativo o arbitral en que se hayan tratado cuestiones planteadas también en el procedimiento para el cual el candidato esté siendo considerado.</p> <p>b) cualquier interés financiero del patrón, socio, asociado o miembro de la familia del candidato:</p> <p>i) en el procedimiento o en su resultado, y</p>	<p>Artículo 4. Declaración</p> <p>1. Todo candidato revelara cualquier interés, relación o asunto que pudiera afectar su honradez, independencia o imparcialidad, o que pudiera razonablemente crear una apariencia de deshonestidad, dependencia o de parcialidad en el procedimiento, a efecto de evitar conflictos de interés, reales o aparentes. Para tal efecto, los candidatos realizarán todo esfuerzo para enterarse de cualquiera de dichos intereses, relaciones o asuntos.</p> <p>2. Sin limitar la generalidad de lo anterior, todo candidato revelará de buena fe siguientes intereses, relaciones o asuntos:</p> <p>(a) cualquier interés financiero o personal del candidato:</p> <p>(i) en el procedimiento o en su resultado, y/o</p> <p>(ii) en un procedimiento judicial, administrativo o arbitral que involucre asuntos que puedan ser directa o indirectamente afectados por el procedimiento para el cual el candidato esta siendo considerado;</p> <p>(b) cualquier interés financiero del empleador, socio, asociado o miembro de la familia del candidato:</p>

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					<p><i>(ii) any financial interest of the candidate's employer, partner, business associate or family member in</i> <i>(A) the proceeding or in its outcome, and</i> <i>(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;</i> <i>(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</i> <i>(iv) public advocacy or legal or other representation concerning an issue in dispute in the proceeding or involving the same goods.</i></p> <p><i>(c) Once appointed, a member shall continue to make all reasonable efforts to become aware of any interests, relationships or matters referred to in 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.</i></p> <p><i>(d) In the event of any uncertainty regarding whether an interest, relationship, or matter must be disclosed</i></p>	<p><i>dispute in question (e.g. the possibility of any indirect advantage or any likelihood of pressure which could arise from their employer, business associates or immediate family members).</i></p> <p><i>2. The obligation of self-disclosure shall apply to the panelist immediately upon his or her appointment and throughout the proceedings. During the course of proceedings, the panelist shall disclose in writing to the Parties any information relevant to paragraph 1 above at the earliest time they become aware of it.</i></p> <p><i>3. The fulfilment and interpretation of these disclosure requirements shall respect personal privacy and shall not be so administratively burdensome as to make it impracticable for otherwise qualified persons to serve as panelists.</i></p>	<p><i>ii) en un procedimiento judicial, administrativo o arbitral en que se hayan tratado cuestiones planteadas también en el procedimiento para el cual el candidato esté siendo considerado;</i> <i>c) cualquier relación, presente o pasada, de carácter financiero, comercial, profesional, familiar o social con cualesquiera de las Partes o con sus abogados, o cualquier relación de ese carácter que tenga el patrón, socio, asociado o miembro de la familia del candidato, y</i> <i>d) cualquier intervención a título profesional en cuestiones relacionadas con el procedimiento o que involucren los mismos bienes.</i></p> <p><i>6. Una vez seleccionado, un miembro continuará realizando todos los esfuerzos razonables para tener conocimiento acerca de los intereses, relaciones o asuntos a que se refiere las Reglas 4 y 5, y los informará mediante comunicación escrita a la Comisión para someterlos a la consideración de las Partes. La obligación de declaración constituye un deber permanente y requiere que un miembro declare cualesquiera intereses, relaciones o asuntos que pudieren surgir durante cualquier fase del procedimiento.</i></p>	<p><i>(i) en el procedimiento o en su resultado, y/o</i> <i>(ii) en un procedimiento judicial, administrativo o arbitral que involucre asuntos que puedan ser directa o indirectamente afectados por el procedimiento para el cual el candidato esta siendo considerado;</i> <i>(c)cualquier relación, presente o pasada, de carácter financiero, comercial profesional, familiar, social o laboral con cualesquiera de las Partes involucradas o con sus representantes o asesores, o cualquier relación de ese carácter que involucre al empleador, socio, asociado o miembro de la familia del candidato;</i> <i>(d) la defensa pública de o representación jurídica o de otra naturaleza de un asunto en controversia o que involucre los mismos bienes o servicios, y</i> <i>(e) cualesquiera otras circunstancias que puedan resultar en parcialidad, dependencia o deshonestidad o que causen la impresión de las mismas.</i></p> <p><i>3. Con el objeto de dar cumplimiento a lo dispuesto en los párrafos 1 y 2, los candidatos que hayan sido designados como panelistas y hayan aceptado su designación, deberán completar y devolver la Declaración Inicial que se adjunta como anexo a este Código. La Declaración debe ser transmitida a la oficina designada responsable con copia a las Partes</i></p>

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					<p><i>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.</i></p> <p><i>(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.</i></p> <p><i>(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.</i></p>			<p><i>contendientes, junto con la aceptación de su designación para su consideración.</i></p> <p><i>4. Una vez designados, los miembros de un Panel Arbitral continuarán realizando todos los esfuerzos razonables para tener conocimiento de cualquier circunstancia prevista en los párrafos 1 y 2, y deberán revelarlos. La obligación de declaración constituye una obligación permanente la cual requiere que todo miembro declare cualesquiera intereses, relaciones o asuntos que pudieren surgir en cualquier fase del procedimiento. Todo miembro deberá declarar tales intereses, relaciones o asuntos, comunicándolos por escrito a las Partes contendientes, para su consideración.</i></p> <p><i>5. En caso de duda acerca de si un interés, relación o asunto debe ser revelado bajo los párrafos 1 y 2, un candidato o miembro debe decidir a favor de revelar.</i></p> <p><i>6. Ningún miembro divulgará aspectos relacionados con violaciones existentes o potenciales del presente Código de Conducta, a menos que lo haga a las Partes contendientes a través de la oficina designada responsable, cuando sea necesario determinar si el miembro ha violado o podrá violar el Código de Conducta.</i></p>

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Duties	<p>Performance of Duties by Arbitrators</p> <p>4. An arbitrator shall comply with the provisions of this Chapter and the applicable rules of procedure.</p> <p>5. On selection, an arbitrator shall perform his or her duties thoroughly and expeditiously throughout the course of the proceeding with fairness and diligence.</p> <p>6. An arbitrator shall not deny other arbitrators the opportunity to participate in all aspects of the proceeding.</p> <p>7. An arbitrator shall consider only those issues raised in the proceeding and necessary to rendering a decision and shall not delegate the duty to decide to any other person.</p> <p>8. An arbitrator shall take all appropriate steps to ensure that the arbitrator’s assistant and staff are aware of, and comply with, paragraphs 1, 2, 3, 18, 19 and 20.</p> <p>9. An arbitrator shall not engage in ex parte contacts concerning the proceeding.</p> <p>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.</p>	<p>Performance of Duties by Arbitrators</p> <p>5. An arbitrator shall comply with the provisions of this Chapter and the applicable rules of procedure.</p> <p>6. On selection, an arbitrator shall perform his or her duties thoroughly and expeditiously throughout the course of the proceeding with fairness and diligence.</p> <p>7. An arbitrator shall not deny other arbitrators the opportunity to participate in all aspects of the proceeding.</p> <p>8. An arbitrator shall consider only those issues raised in the proceeding and necessary to rendering a decision and shall not delegate the duty to decide to any other person.</p> <p>9. An arbitrator shall take all appropriate steps to ensure that the arbitrator’s assistant and staff are aware of, and comply with, paragraphs 2, 3, 4, 19, 20 and 21.</p> <p>10. An arbitrator shall not engage in ex parte contacts concerning the proceeding.</p> <p>11. An arbitrator shall not communicate matters concerning actual or potential violations of this Annex by another arbitrator unless the communication is to both Parties or is necessary to ascertain whether that arbitrator has violated or may violate this Annex.</p>	<p>Performance of Duties by Panellists</p> <p>4. A panellist shall comply with the provisions of this Chapter and the applicable rules of procedure.</p> <p>5. On selection, a panellist shall perform his or her duties thoroughly and expeditiously throughout the course of the proceeding with fairness and diligence.</p> <p>6. A panellist shall not deny other panellists the opportunity to participate in all aspects of the proceeding.</p> <p>7. A panellist 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.</p> <p>8. A panellist shall take all appropriate steps to ensure that the panellist’s assistant and staff are aware of, and comply with paragraphs 1, 2, 3, 18, 19 and 20.</p> <p>9. A panellist shall not engage in ex parte contacts concerning the proceeding.</p> <p>10. A panellist shall not communicate matters concerning actual or potential violations of this Annex unless the communication is to both Parties or is necessary to ascertain whether that panellist has violated or may violate this Annex.</p>	<p>Performance of Duties by Arbitrators</p> <p>4. An arbitrator shall comply with the provisions of Chapter 8 (Investment) and Chapter 16 (Dispute Settlement) and the applicable rules of procedure.</p> <p>5. On selection, an arbitrator shall perform his or her duties thoroughly and expeditiously throughout the course of the proceeding with fairness and diligence.</p> <p>6. An arbitrator shall not deny other arbitrators the opportunity to participate in all aspects of the proceeding.</p> <p>7. An arbitrator shall consider only those issues raised in the proceeding and necessary to rendering a decision and shall not delegate the duty to decide to any other person.</p> <p>8. An arbitrator shall take all appropriate steps to ensure that any staff he or she may appoint, with the approval of the Parties, are aware of, and comply with paragraphs 1, 2, 3, 18, 19 and 20.</p> <p>9. An arbitrator shall not engage in ex parte contacts concerning the proceeding.</p> <p>10. An arbitrator shall not communicate matters concerning actual or potential violations of this Annex unless the communication is to both Parties or is necessary to ascertain whether an arbitrator has violated or may violate this Annex.</p>	<p>5. The Performance of Duties by Candidates and Members</p> <p>(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.</p> <p>(b) A member shall ensure that the responsible office can, at all reasonable times, contact the member in order to conduct panel business.</p> <p>(c) A member shall carry out all duties fairly and diligently.</p> <p>(d) A member shall comply with the provisions of Chapter 21 and the applicable rules.</p> <p>(e) A member shall not deny other members the opportunity to participate in all aspects of the proceeding.</p> <p>(f) A member shall consider only those issues raised in the proceeding and necessary to a decision and shall not delegate the duty to decide to any other person, except as provided in the applicable rules.</p> <p>(g) A member shall take all reasonable steps to ensure that the member's assistant and staff comply with paragraphs 3, 4 and 8 of this Code of Conduct.</p> <p>(h) A member shall not engage in ex parte contacts concerning the proceeding.</p>	<p>V. Performance of Duties</p> <p>1. In performing his or her duties, each panelist shall recognise that prompt settlement of disputes is essential to the effective functioning of the Agreement.</p> <p>2. A panelist shall carry out all duties fairly and diligently.</p> <p>3. To ensure transparency and impartiality, no panelist may discuss any aspect of subject matter referred to the arbitral panel, in the absence of either Party or in the absence of the other panelists.</p> <p>4. A panelist shall consider only those issues raised in the proceeding and necessary to a decision and shall not delegate the duty to decide to any other person, except as provided in the Rules of Procedure.</p> <p>5. A panelist 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 panelist has violated or may violate the code.</p>	<p>Desempeño de las funciones de los candidatos y miembros</p> <p>7. Todo candidato que acepte ser designado como miembro deberá estar disponible para desempeñar, y desempeñará, los deberes de miembro de manera completa y expedita durante todo el procedimiento.</p> <p>8. Todo miembro cumplirá sus deberes de manera justa y diligente.</p> <p>9. Todo miembro observará lo dispuesto en el capítulo19 del Tratado, las Reglas Modelo de Procedimiento y este Código de Conducta.</p> <p>10. Ningún miembro privará a los demás miembros de la oportunidad de participar en todos los aspectos del procedimiento.</p> <p>11. Todo miembro deberá tomar en consideración únicamente las cuestiones planteadas en el procedimiento y necesarias para adoptar una decisión, y no delegará el deber de decisión en ninguna otra persona.</p> <p>12. Ningún miembro podrá establecer contactos ex parte relativos al procedimiento y no podrán hacer declaraciones sobre tal procedimiento ni sobre las cuestiones planteadas en la diferencia en la que actúen.</p> <p>13. Ningún candidato o miembro divulgará cuestiones relativas a violaciones actuales o potenciales de este Código de Conducta, excepto a la Comisión o cuando sea necesario para determinar si un candidato o miembro ha</p>	<p>Artículo 5. Desempeño de las funciones de los candidatos y miembros de un Panel Arbitral</p> <p>1. Todo candidato que acepte ser designado como miembro de un Panel Arbitral se compromete a cumplir, de manera completa, expedita, justa y diligente hasta el fin del procedimiento, todas las obligaciones inherentes a su encargo; y, observará lo dispuesto por el Capítulo XVII (Solución de Controversias) y las Reglas Modelo de Procedimiento aplicables.</p> <p>2. Los miembros de un Panel Arbitral se mantendrán en todo memento a disposición de la oficina designada responsable, a fin de desempeñar sus funciones.</p> <p>3. Ningún miembro limitara o privara a otros miembros de su derecho y obligación de participar enteramente en todos los aspectos relevantes del procedimiento.</p> <p>4. Los miembros sólo deben examinar las cuestiones controvertidas que hayan surgido en el procedimiento y necesarias para tomar una decisión. Salvo disposición en contrario en las Reglas Modelo de Procedimiento aplicables, ningún miembro delegará en otra persona el deber de decidir.</p> <p>5. Los miembros tomarán todas las providencias necesarias para asegurar que sus asistentes y personal estén al tanto de, y cumplan con las disposiciones aplicables de este Código de Conducta.</p> <p>6. Ningún miembro establecerá contactos ex Parte en el procedimiento y no</p>

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					<i>(i) A candidate or member shall not communicate matters concerning actual or potential violations of this Code of Conduct unless the communication is to the responsible office or is necessary to ascertain whether that candidate or member has violated or may violate the Code.</i>		<i>violado o podría violar este Código.</i>	<i>podrá hacer declaraciones sobre el mismo, ni sobre las cuestiones consideradas en la diferencia en la que actúen.</i>
Independence and Impartiality	<i>Independence and Impartiality of Arbitrators</i> 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 disputing 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.	<i>Independence and Impartiality of Arbitrators</i> 12. 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. 13. An arbitrator shall not be influenced by self-interest, outside pressure, political considerations, public clamour, loyalty to a Party or fear of criticism. 14. 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. 15. 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. 16. An arbitrator shall not allow past or existing	<i>Independence and Impartiality of Panellists</i> 11. A panellist shall be independent and impartial. A panellist shall act in a fair manner and shall avoid creating an appearance of impropriety or bias. 12. A panellist shall not be influenced by self-interest, outside pressure, political considerations, public clamour, loyalty to a Party or fear of criticism. 13. 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 the panellist’s duties. 14. A panellist 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 the panellist. A panellist shall make every effort to prevent or discourage others from representing themselves as being in such a position. 15. A panellist shall not allow past or existing	<i>Independence and Impartiality of Arbitrators</i> 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 disputing party or non-disputing 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 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	6. Independence and Impartiality of Members (a) A member shall be independent and impartial. A member shall act in a fair manner and shall not create an appearance of impropriety or an apprehension of bias. (b) A member shall not be influenced by self-interest, outside pressure, political considerations, public clamor, 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, or appear to interfere, with the proper performance of the member's duties. (d) A member shall not use the member's position on 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.	VI. Independence and Impartiality of Panelists 1. A panelist shall be independent and impartial. A panelist 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 and loyalty to a Party or fear of criticism. 2. A panelist shall avoid entering into any relationship or acquiring any financial interests that are likely to affect the panelist's impartiality or that might reasonably create an appearance of impropriety or an apprehension of bias. 3. A panelist shall not accept any benefit that would in any way affect, or appear to affect, the panelist's duties. 4. A panelist shall not use the panelist's position on the arbitral panel to advance any personal or private interests. A panelist shall avoid actions that may create the impression that others are in a special position to influence the panelist. A panelist shall make every effort to prevent or discourage others from	<i>Independencia e imparcialidad de los miembros</i> 14. Todo miembro será independiente e imparcial. Todo miembro actuará de manera justa y evitará causar la impresión de que su conducta es deshonesto o parcial. 15. Ningún miembro se dejará influenciar por intereses propios, presiones externas, consideraciones políticas, presión pública, lealtad a una Parte o temor a las críticas. 16. Ningún miembro incurrirá, directa o indirectamente, en obligaciones ni aceptará beneficios que pudieren interferir, o parecer que interfieren, de algún modo con el cumplimiento de sus obligaciones. 17. Ningún miembro hará uso de su posición en el grupo arbitral en beneficio de intereses personales, privados de terceras personas. Todo miembro evitará actuar de forma que pudiese crear la impresión de que otras personas se encuentran en una posición especial para influir en él. Todo miembro se esforzará por impedir o disuadir a aquellos que pretendan estar en tal posición.	<i>Artículo 6. Independencia, imparcialidad y derechos de los miembros</i> 1. Todo miembro debe ser independiente e imparcial y evitara causar una apariencia inapropiada o de parcialidad. 2. Todo miembro evitara ser influenciado por intereses propios o de terceros, presiones externas, consideraciones políticas, presión pública, lealtad a una Parte o temor a la crítica. 3. Ningún miembro podrá, directa o indirectamente, contraer obligación alguna ni aceptar beneficio alguno que pudiera interferir con el cumplimiento de sus deberes. 4. Ningún miembro usará su posición en el Panel Arbitral para beneficio propio o de terceras personas. Todo miembro evitará actuar de forma que pueda causar la impresión que otras personas se encuentran en una posición especial para influenciarlo. 5. Ningún miembro permitirá que su juicio o conducta sean influenciados por relaciones o responsabilidades, presentes o pasadas, de carácter

PROVISION	<i>Australia-China FTA (ISDS)</i> <i>(Annex 9-A, Code of Conduct applicable to ISDS)</i> <i>(Full text available here)</i>	<i>Australia-China FTA (State-State)</i> <i>(Annex 15-A, Code of Conduct (State-State))</i> <i>(Full text available here)</i>	<i>Australia-Republic of Korea FTA (KAFTA) (State-State)</i> <i>(Annex 20-A, Code of Conduct (State-State))</i> <i>(Full text available here)</i>	<i>Australia-Singapore FTA (SAFTA) (ISDS & State-State)</i> <i>(Annex 7 , Code of Conduct for Arbitrators appointed under ISDS & State-State)</i> <i>(Full text available here)</i>	<i>Australia-United States FTA (State-State)</i> <i>(Art. 21.7.5(b); Chapter 20, Annex 3) (State-State))</i> <i>(Full text available here)</i>	<i>Australia-Chile FTA (State-State)</i> <i>(Art. 21.7.5(d); Rules of Procedure, Appendix (State-State))</i> <i>(Full text available here)</i>	<i>Central America-Chile FTA (State-State)</i> <i>(Art. 19.10.1(d); Capítulo 19, Código de Conducta. Decisión No. 9, Anexo No. 2 (State-State)) (Spanish)</i> <i>(Full text available here)</i>	<i>Central America-Mexico FTA (State-State)</i> <i>(Art. 17.9.4(d); Código de Conducta. Decisión No. 5, Anexo 2 (State-State)) (Spanish)</i> <i>(Full text available here)</i>
	15. An arbitrator shall not allow past or existing financial, business, professional, family or social relationships or responsibilities to influence the arbitrator’s conduct or judgment. 16. An arbitrator 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.	financial, business, professional, family or social relationships or responsibilities to influence the arbitrator’s conduct or judgment. 17. An arbitrator 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.	or social relationships or responsibilities to influence the panellist’s conduct or judgment. 16. A panellist shall avoid entering into any relationship, or acquiring any financial interest, that is likely to affect the panellist’s impartiality or that might reasonably create an appearance of impropriety or bias.	financial, business, professional, family or social relationships or responsibilities to influence the arbitrator’s conduct or judgment. 16. An arbitrator 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.	(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. (g) If an interest, relationship, or matter of a candidate or member is inconsistent with subparagraphs (a) through (f), the candidate may accept appointment to a panel and a member may continue to serve on a panel if the Parties waive the violation or if, after the candidate or member has taken steps to ameliorate the violation, the Parties determine that the inconsistency has ceased..	representing themselves as being in such position.	18. Ningún miembro permitirá que su conducta o juicio sea influenciado por relaciones o responsabilidades, presentes o pasadas, de carácter financiero, comercial, profesional, familiar o social. 19. Todo miembro evitará establecer relaciones o adquirir intereses de carácter financiero o personal que pudieren afectar su imparcialidad o que razonablemente pudieren causar la impresión de que su conducta es deshonesto o parcial.	financiero, comercial, laboral, profesional, familiar o social. 6. Los miembros evitarán establecer cualquier relación o adquirir cualquier interés de carácter financiero o personal, que sea susceptible de afectar su imparcialidad o que pudiere razonablemente causar la impresión de que su conducta es inapropiada o parcial.
Obligations after proceeding	Duties in Certain Situations 17. An arbitrator or former arbitrator shall avoid actions that may create the appearance that the arbitrator was biased in carrying out the arbitrator’s duties or would benefit from the decision or award of the arbitral tribunal.	Duties in Certain Situations 18. An arbitrator or former arbitrator shall avoid actions that may create the appearance that the arbitrator was biased in carrying out the arbitrator’s duties or would benefit from the decision or report of the arbitral tribunal.	Duties in Certain Situations 17. A panellist or former panellist shall avoid actions that may create the appearance that the panellist was biased in carrying out the panellist’s duties or would benefit from the decision or ruling of the panel.	Duties in Certain Situations 17. An arbitrator or former arbitrator shall avoid actions that may create the appearance that the arbitrator was biased in carrying out the arbitrator’s duties or would benefit from the decision or ruling of the tribunal.	7. Duties in Certain Situations 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.	.	Obligaciones de los ex – miembros 20. Todo ex miembro evitará aquellos actos que pudieren causar una impresión de parcialidad en el desempeño de sus funciones o de que podría beneficiarse de la decisión o resolución del grupo arbitral.	Artículo 7. Obligaciones específicas para ex-miembros Todo ex miembro evitará crear la apariencia de haber sido parcial en el desempeño de sus funciones como miembro del Panel Arbitral o de que podría beneficiarse de la decisión del Panel Arbitral.
Confidentiality	Maintenance of Confidentiality 18. An arbitrator or former arbitrator shall not at any time disclose or use any nonpublic information concerning the proceeding or	Maintenance of Confidentiality 19. An arbitrator or former arbitrator shall not at any time disclose or use any nonpublic information concerning the proceeding or	Maintenance of Confidentiality 18. A panellist or former panellist shall not at any time disclose or use any non-public information concerning the proceeding or acquired during	Maintenance of Confidentiality 18. An arbitrator or former arbitrator shall not at any time disclose or use any nonpublic information concerning the proceeding or	8. Maintenance of Confidentiality (a) A member or former member shall not at any time disclose or use any non-public information concerning the proceeding or acquired during	VII. Confidentiality 1. Each covered person shall at all times maintain the confidentiality of non-public information acquired during deliberations and proceedings of the arbitral panel. No	Confidencialidad 21. Todo miembro o ex miembro no revelará ni utilizará en ningún momento información alguna relacionada con el procedimiento o adquirida	Artículo 8. Confidencialidad 1. Todos los candidatos, miembros y ex miembros deberán cumplir las disposiciones sobre confidencialidad establecidas en el Capítulo XVII (Solución de

PROVISION	<i>Australia-China FTA (ISDS) (Annex 9-A, Code of Conduct applicable to ISDS)</i> <i>(Full text available here)</i>	<i>Australia-China FTA (State- State)</i> <i>(Annex 15-A, Code of Conduct (State-State))</i> <i>(Full text available here)</i>	<i>Australia-Republic of Korea FTA (KAFTA) (State-State)</i> <i>(Annex 20-A, Code of Conduct (State-State))</i> <i>(Full text available here)</i>	<i>Australia-Singapore FTA (SAFTA) (ISDS & State-State)</i> <i>(Annex 7 , Code of Conduct for Arbitrators appointed under ISDS & State-State)</i> <i>(Full text available here)</i>	<i>Australia-United States FTA (State-State)</i> <i>(Art. 21.7.5(b); Chapter 20, Annex 3) (State-State))</i> <i>(Full text available here)</i>	<i>Australia-Chile FTA (State- State)</i> <i>(Art. 21.7.5(d); Rules of Procedure, Appendix (State- State))</i> <i>(Full text available here)</i>	<i>Central America-Chile FTA (State-State)</i> <i>(Art. 19.10.1(d); Capítulo 19, Código de Conducta. Decisión No. 9, Anexo No. 2 (State- State)) (Spanish)</i> <i>(Full text available here)</i>	<i>Central America-Mexico FTA (State-State)</i> <i>(Art. 17.9.4(d); Código de Conducta. Decisión No. 5, Anexo 2 (State-State)) (Spanish)</i> <i>(Full text available here)</i>
	<i>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 an arbitral tribunal award or parts thereof prior to its publication. 20. An arbitrator or former arbitrator shall not at any time disclose the deliberations of an arbitral tribunal, or any arbitrator’s view, except as required by legal or constitutional requirements.</i>	<i>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. 20. An arbitrator shall not disclose an arbitral tribunal report, or parts thereof, prior to its publication. 21. An arbitrator or former arbitrator shall not at any time disclose the deliberations of an arbitral tribunal, or any arbitrator’s view, except as required by legal or constitutional requirements.</i>	<i>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. A panellist shall not disclose a panel ruling or parts thereof prior to its publication. 20. A panellist or former panellist shall not at any time disclose the deliberations of a panel, or any panellist’s view except as required by law</i>	<i>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 a tribunal ruling or parts thereof prior to its publication except in accordance with Chapter 8 (Investment) and Chapter 16 (Dispute Settlement). 20. An arbitrator or former arbitrator shall not at any time disclose the deliberations of a tribunal, or any arbitrator’s view except as required by law.</i>	<i>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. (b) A member shall not disclose a panel report issued under Chapter 21 prior to its publication by the Joint Committee. 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 21. (c) 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.</i>	<i>covered person shall at any time use such information to gain personal advantage or advantage for others. 2. No covered person shall disclose the report of the arbitral panel, or make any statements on the arbitral panel's proceedings or the issues in dispute, until the final report is made available to the public. 3. A covered person shall not at any time disclose which panelists are associated with any majority or minority opinions in a report issued in proceedings under Chapter 21 of the Agreement.</i>	<i>durante el mismo, que no sea del dominio público, excepto para los fines del procedimiento, y en ningún caso revelará o utilizará dicha información en beneficio propio o de terceros o para afectar desfavorablemente los intereses de terceros. 22. Ningún miembro revelará el contenido de una decisión del grupo arbitral antes de su publicación. 23. Ningún miembro o ex miembro revelará en ningún momento las deliberaciones del grupo arbitral ni las opiniones de los otros miembros.</i>	<i>Controversias), en las Reglas Modelo de Procedimiento y en este Código de Conducta. 2. Ningún miembro o ex miembro revelará, ni utilizará, en ningún momento, información relacionada con el procedimiento o adquirida durante el mismo, que no sea del dominio público, excepto para los fines del procedimiento y bajo ninguna circunstancia revelará o utilizará dicha información en beneficio propio o de terceros o para afectar desfavorablemente los intereses de terceros. 3. Ningún miembro revelará el informe preliminar del Panel Arbitral o parte de este. Tampoco podrá revelar el informe final del Panel Arbitral o parte de este antes de su publicación de conformidad con el Capítulo XVII (Solución de Controversias) del Tratado. 4. Los miembros o ex- miembros nunca revelarán la identidad de los miembros que hayan votado con la mayoría o minoría en un procedimiento desarrollado de conformidad con el Capítulo XVII (Solución de Controversias). 5. Ningún miembro o ex miembro revelará en ningún momento las deliberaciones o decisiones del Panel Arbitral, la opinión de cualquier miembro, la posición de las Partes involucradas o cualquier otro aspecto que no sea del dominio público en relación al procedimiento.</i>

PROVISION	<i>Australia-China FTA (ISDS)</i> <i>(Annex 9-A, Code of Conduct applicable to ISDS)</i> <i>(Full text available here)</i>	<i>Australia-China FTA (State-State)</i> <i>(Annex 15-A, Code of Conduct (State-State))</i> <i>(Full text available here)</i>	<i>Australia-Republic of Korea FTA (KAFTA) (State-State)</i> <i>(Annex 20-A, Code of Conduct (State-State))</i> <i>(Full text available here)</i>	<i>Australia-Singapore FTA (SAFTA) (ISDS & State-State)</i> <i>(Annex 7 , Code of Conduct for Arbitrators appointed under ISDS & State-State)</i> <i>(Full text available here)</i>	<i>Australia-United States FTA (State-State)</i> <i>(Art. 21.7.5(b); Chapter 20, Annex 3) (State-State))</i> <i>(Full text available here)</i>	<i>Australia-Chile FTA (State-State)</i> <i>(Art. 21.7.5(d); Rules of Procedure, Appendix (State-State))</i> <i>(Full text available here)</i>	<i>Central America-Chile FTA (State-State)</i> <i>(Art. 19.10.1(d); Capítulo 19, Código de Conducta. Decisión No. 9, Anexo No. 2 (State-State)) (Spanish)</i> <i>(Full text available here)</i>	<i>Central America-Mexico FTA (State-State)</i> <i>(Art. 17.9.4(d); Código de Conducta. Decisión No. 5, Anexo 2 (State-State)) (Spanish)</i> <i>(Full text available here)</i>
Others				<p><i>Additional procedures relating to disputes under Chapter 16 (Dispute Settlement): For the purposes of paragraphs 21, 22, 23 and 24; “arbitrator” 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).</i></p> <p><i>21. If a Party considers that an arbitrator 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.</i></p> <p><i>22. If the Parties agree that an arbitrator has violated this Code of Conduct, they may remove the arbitrator, waive the violation, or request the arbitrator 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 arbitrator may continue to serve on the tribunal.</i></p> <p><i>23. If a selected arbitrator 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 arbitrator pursuant to Article 5 (Composition of Arbitral Tribunals) of Chapter 16 (Dispute Settlement).</i></p>	<p><i>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.</i></p>		<p><i>Responsabilidad de los asistentes y del personal</i></p> <p><i>24. Las disposiciones de este Código de Conducta se aplicarán también a los asistentes y al personal.</i></p>	<p><i>Artículo 9. Responsabilidades de los asistentes, asesores, expertos y del personal</i></p> <p><i>Los miembros, la oficina designada responsable y las Partes involucradas tomarán todas las providencias necesarias para asegurar que sus asesores, expertos, personal y/o asistentes, si es que los hubiesen, cumplan con las disposiciones contenidas en este Código de Conducta.</i></p>

PROVISION	<i>Australia-China FTA (ISDS)</i> <i>(Annex 9-A, Code of Conduct applicable to ISDS)</i> <i>(Full text available here)</i>	<i>Australia-China FTA (State-State)</i> <i>(Annex 15-A, Code of Conduct (State-State))</i> <i>(Full text available here)</i>	<i>Australia-Republic of Korea FTA (KAFTA) (State-State)</i> <i>(Annex 20-A, Code of Conduct (State-State))</i> <i>(Full text available here)</i>	<i>Australia-Singapore FTA (SAFTA) (ISDS & State-State)</i> <i>(Annex 7 , Code of Conduct for Arbitrators appointed under ISDS & State-State)</i> <i>(Full text available here)</i>	<i>Australia-United States FTA (State-State)</i> <i>(Art. 21.7.5(b); Chapter 20, Annex 3) (State-State))</i> <i>(Full text available here)</i>	<i>Australia-Chile FTA (State-State)</i> <i>(Art. 21.7.5(d); Rules of Procedure, Appendix (State-State))</i> <i>(Full text available here)</i>	<i>Central America-Chile FTA (State-State)</i> <i>(Art. 19.10.1(d); Capítulo 19, Código de Conducta. Decisión No. 9, Anexo No. 2 (State-State)) (Spanish)</i> <i>(Full text available here)</i>	<i>Central America-Mexico FTA (State-State)</i> <i>(Art. 17.9.4(d); Código de Conducta. Decisión No. 5, Anexo 2 (State-State)) (Spanish)</i> <i>(Full text available here)</i>
				24. Any time period applicable to a proceeding shall be suspended for a period beginning on the date an arbitrator dies, withdraws, is removed, is authorised to take steps to seek 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.				

PROVISION	<i>Colombia-El Salvador, Guatemala, and Honduras FTA (State-State)</i> <i>(Art. 18.13.2; Código de Conducta. Decisión No. 8, Anexo (State-State)) (Spanish)</i> <i>(Full text available here)</i>	<i>United States-Colombia TPA (State-State)</i> <i>(Art. 21.8.1(d); Code of Conduct. Decision 7, Annex I (State-State))</i> <i>(Full text available here)</i>	<i>Dominican Republic-Central America-US FTA (CAFTA-DR) (State-State)</i> <i>(Art. 20.7.2(d); Code of Conduct. Commission Decision, Annex 1 (State-State))</i> <i>(Full text available here)</i>	<i>Chile-Korea FTA (State-State)</i> <i>(Annex 19.7 Code of Conduct for Members of Panels (State-State))</i> <i>(Full text available here)</i>
Definitions /Scope	<i>Aplicación</i> 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. <i>Definiciones</i> 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 árbitro o al tribunal arbitral; b) arbitro: un árbitro de un tribunal arbitral designado de conformidad con el Artículo 18.14 del Tratado; c) candidato:	<i>Definitions</i> 1. For purposes of this Code of Conduct: advisor means a person retained by a Party to advise or assist that Party in connection with the Panel proceeding; Agreement means the United States - Colombia Trade Promotion Agreement; assistant means a person who, under the terms of appointment of a panelist, conducts research or provides support for the panelist; candidate means: (a) a person whose name appears in the list established pursuant to Article 21.7 (Indicative Roster); or	<i>1. Definitions</i> (a) For purposes of this Code of Conduct: (i) Agreement means the Dominican Republic — Central America United States Free Trade Agreement; (ii) assistant means a person who, under the terms of appointment of a member of the panel, conducts research or provides support for the member; (iii) candidate means: (A) an individual whose name appears on a roster established under Article 12.18 (Dispute Settlement), Article 16.7 (Labor Roster), Article 17.1 I (Environmental Roster), or Article 20.7 (Roster); or	<i>Definitions</i> 1. For purposes of this Annex: assistant means a person who, under the terms of appointment of a member, conducts research or provides support for the member; candidate means an individual whose name is on the roster referred to in Article 19.7 and who is under consideration for appointment as a member of a panel under Article 19.9; member means a member of a panel effectively established under Article 19.6; proceeding, unless otherwise specified, means a panel proceeding under Chapter 19; and staff, in respect of a member, means persons under the

PROVISION	Colombia-El Salvador, Guatemala, and Honduras FTA (State-State)	United States-Colombia TPA (State-State)	Dominical Republic-Central America-US FTA (CAFTA-DR) (State-State)	Chile-Korea FTA (State-State)
	(Art. 18.13.2; Código de Conducta. Decisión No. 8, Anexo (State-State)) (Spanish)	(Art. 21.8.1(d); Code of Conduct. Decision 7, Annex I (State-State))	(Art. 20.7.2(d); Code of Conduct. Commission Decision, Annex 1 (State-State))	(Annex 19.7 Code of Conduct for Members of Panels (State-State))
	(Full text available here)	(Full text available here)	(Full text available here)	(Full text available here)
	<p>i) una persona cuyo nombre aparece en la lista establecida de conformidad con el artículo 18.12 del Tratado, o</p> <p>ii) una persona que este siendo considerada para ser designada en un procedimiento como árbitro, conciliador, mediador, asesor o experto, entre otros.</p> <p>d) procedimiento: un procedimiento de un tribunal arbitral.</p> <p>Cumplimento del Código de Conducta</p> <p>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.</p> <p>4. Las provisiones descritas en este Código de Conducta que aplican a los árbitros, deberán aplicar, mutatis mutandi, a los mediadores, conciliadores y expertos.</p>	<p>(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:</p> <p>(a) the spouse of the panelist or candidate;</p> <p>(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</p> <p>(c) relatives up to the second degree of affinity.</p> <p>(d) Family member also includes any resident of a panelist's or candidate's household whom the panelist or candidate treats as a member of his or her family.</p> <p>office means the office that a Party designates under Article 20.3 (Administration of Dispute Settlement Proceedings) for providing administrative assistance to panels established under Article 21.6 (Request for an Arbitral Panel);</p> <p>panelist means a member of a panel established under Article 21.6 (Request for an Arbitral Panel);</p> <p>proceeding, unless otherwise specified, means a panel proceeding under Chapter Twenty-One;</p> <p>responsible office means the office of the Party complained</p>	<p>(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);</p> <p>(iv) disputing party means a complaining Party or a Party complained against;</p> <p>(v) expert means a person or body providing information or technical advice as set forth in Article 20.12 (Role of Experts);</p> <p>(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;</p> <p>(vii) member means a member of a panel established under Article 20.6 (Request for an Arbitral Panel);</p> <p>(viii) office means the office that a Party designates under Article 19.3 (Administration of Dispute Settlement Proceedings) for providing administrative assistance to panels established under Article 20.6 (Request for an Arbitral Panel);</p> <p>(ix) Party means a Party to the Agreement;</p>	<p>direction and control of the member, other than assistants.</p>

PROVISION	Colombia-El Salvador, Guatemala, and Honduras FTA (State-State)	United States-Colombia TPA (State-State)	Dominical Republic-Central America-US FTA (CAFTA-DR) (State-State)	Chile-Korea FTA (State- State)
	(Art. 18.13.2; Código de Conducta. Decisión No. 8, Anexo (State-State)) ((Spanish)	(Art. 21.8.1(d); Code of Conduct. Decision 7, Annex I (State-State))	(Art. 20.7.2(d); Code of Conduct. Commission Decision, Annex 1 (State- State))	(Annex 19.7 Code of Conduct for Members of Panels (State- State))
	(Full text available here)	(Full text available here)	(Full text available here)	(Full text available here)
		<p>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.</p> <p>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.</p> <p>General Provisions</p> <p>3. The governing principle of this Code of Conduct is that a candidate being considered for participation in a panel or a panelist must disclose the existence of any interest, relationship, or matter that is likely to affect the candidate's or panelist'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.</p>	<p>(x) proceeding, unless otherwise specified, means a panel proceeding under Chapter Twenty (Dispute Settlement);</p> <p>(xi) responsible office means the office of the Party complained against;</p> <p>(xii) Rules mean the Rules of Procedure established by the Commission in accordance with Article 20.10 (Rules of Procedure);</p> <p>(xiii) staff, in respect of a member, means persons under the direction and control of the member, other than assistants; and</p> <p>(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).</p> <p>(b) Any reference made in this Code of Conduct to an Article, Annex, or Chapter is a reference to the appropriate Article, Annex, or Chapter of the Agreement.</p> <p>2. Statement of Principles</p> <p>(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</p>	

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	(Art. 18.13.2; Código de Conducta. Decisión No. 8, Anexo (State-State)) (Spanish)	(Art. 21.8.1(d); Code of Conduct. Decision 7, Annex I (State-State))	(Art. 20.7.2(d); Code of Conduct. Commission Decision, Annex 1 (State-State))	(Annex 19.7 Code of Conduct for Members of Panels (State-State))
	(Full text available here)	(Full text available here)	(Full text available here)	(Full text available here)
		<p>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.</p> <p>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.</p>	<p>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.</p> <p>(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.</p>	
Responsibilities during proceeding	<p>Deberes respecto del procedimiento</p> <p>5. Los árbitros deberán ser honestos, se comportarán con independencia e imparcialidad; evitarán conflictos de intereses, directos e indirectos, y observarán las mas altos 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.</p>	<p>Responsibilities to the Process</p> <p>6. Every candidate, panelist and former 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.</p>	<p>3. Responsibilities to the Process</p> <p>Every candidate, member, and former member shall avoid impropriety and the appearance of impropriety and shall observe high standards of conduct so that the integrity and impartiality of the dispute settlement process is preserved.</p>	<p>Section I</p> <p>Responsibilities to the Process</p> <p>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.</p>
Disclosure	Obligación de declaración de intereses	<p>Disclosure Obligations</p> <p>7. As soon as possible after it is known that a candidate is</p>	<p>4. Disclosure Obligations</p> <p>(a) Throughout the proceeding, candidates and</p>	<p>Section II</p> <p>Disclosure Obligations</p>

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	(Art. 18.13.2; Código de Conducta. Decisión No. 8, Anexo (State-State)) (Spanish)	(Art. 21.8.1(d); Code of Conduct. Decision 7, Annex I (State-State))	(Art. 20.7.2(d); Code of Conduct. Commission Decision, Annex 1 (State-State))	(Annex 19.7 Code of Conduct for Members of Panels (State-State))
	(Full text available here)	(Full text available here)	(Full text available here)	(Full text available here)
	<p>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 pudiese afectar su independencia o imparcialidad o que razonablemente pudiese causar la impresión de conducta deshonesto o parcial en el procedimiento. Con este fin, un candidato realizará todos los esfuerzos razonables para tener conocimiento de estas situaciones.</p> <p>7. Una vez seleccionado, un árbitro continuará realizando todos los esfuerzos razonables para tener conocimiento acerca de los 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.</p> <p>Declaración</p> <p>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 todo esfuerzo para enterarse de cualesquiera de dichos intereses, relaciones o asuntos.</p>	<p>being considered for participation in a panel, the responsible office shall provide the candidate a copy of this Code of Conduct and the Initial Disclosure Statement set out in the Appendix.</p> <p>8. The candidate shall make his or her best efforts to submit the Initial Disclosure Statement to the responsible office for consideration of the Parties within seven days after receipt. The 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 apprehension of bias in the proceeding. To this end, the candidate shall make all reasonable efforts to become aware of any such interests, relationships and matters. Therefore, the candidate shall disclose, at a minimum, the following interests, relationships, and matters:</p> <p>(a) any financial, business, professional, or personal interest of the candidate in:</p> <p>(i) the proceeding or in its outcome; and</p> <p>(ii) an administrative proceeding, a domestic judicial proceeding, or any other domestic or international proceeding that involves issues that may be decided in the proceeding for which the candidate is under consideration;</p> <p>(b) any financial interest of the candidate's employer, partner,</p>	<p>members have a continuing obligation to disclose interests, relationships, and matters that may bear on the integrity or impartiality of the dispute settlement process.</p> <p>(b) A candidate shall disclose any interest, relationship, or matter that is likely to affect the candidate's independence or impartiality or that might reasonably create an appearance of impropriety or an apprehension of bias in the proceeding. To this end, a candidate shall make all reasonable efforts to become aware of any such interests, relationships and matters. Therefore, candidates shall disclose, at a minimum, the following interests, relationships, and matters:</p> <p>(i) any financial or personal interest of the candidate in:</p> <p>(A) the proceeding or in its outcome, and</p> <p>(B) an administrative proceeding, a domestic judicial proceeding, or another panel proceeding that involves issues that may be decided in the proceeding for which the candidate is under consideration;</p> <p>(ii) any financial interest of the candidate's employer, partner, business associate, or family member in:</p> <p>(A) the proceeding or in its outcome, and</p> <p>(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;</p>	<p>3. Prior to confirmation of his or her selection as a member of the panel under Article 19.9, 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.</p> <p>4. Once selected, a member shall continue to make all reasonable efforts to become aware of any interests, relationships and matters referred to in Rule 3 and shall disclose them by communicating them in writing to the Commission for consideration by the Parties. 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.</p>

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	(Art. 18.13.2; Código de Conducta. Decisión No. 8, Anexo (State-State)) (Spanish)	(Art. 21.8.1(d); Code of Conduct. Decision 7, Annex I (State-State))	(Art. 20.7.2(d); Code of Conduct. Commission Decision, Annex 1 (State-State))	(Annex 19.7 Code of Conduct for Members of Panels (State-State))
	(Full text available here)	(Full text available here)	(Full text available here)	(Full text available here)
	<p>Sin limitar la generalidad de lo anterior, todo candidato revelará lo siguiente:</p> <p>a) cualquier interés financiero o personal del candidato:</p> <p>i) en el procedimiento o en su resultado,</p> <p>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;</p> <p>b) cualquier interés financiero del empleador, socio, asociado o miembro de la familia del candidato:</p> <p>i) en el procedimiento o en su resultado,</p> <p>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;</p> <p>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;</p> <p>d) cualquier intervención a título profesional en cuestiones relacionadas con el procedimiento, o que involucren los mismos bienes;</p> <p>e) otros intereses activos (por ejemplo, participación activa</p>	<p>business associate, or family member in:</p> <p>(i) the proceeding or in its outcome; and</p> <p>(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;</p> <p>(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</p> <p>(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</p> <p>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 7 and shall disclose them by communicating them in writing to the Parties for their consideration. The obligation to disclose is a continuing duty, which requires a panelist to disclose any such interests, relationships, or matters that may arise during any stage of the proceeding.</p>	<p>(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</p> <p>(iv) public advocacy or legal or other representation concerning an issue in dispute in the proceeding or involving the same goods or services.</p> <p>(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.</p> <p>(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.</p> <p>(e) A candidate shall disclose any interests, relationships, and matters described in subparagraph (b) by</p>	

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	(Art. 18.13.2; Código de Conducta. Decisión No. 8, Anexo (State-State)) (Spanish)	(Art. 21.8.1(d); Code of Conduct. Decision 7, Annex I (State-State))	(Art. 20.7.2(d); Code of Conduct. Commission Decision, Annex 1 (State-State))	(Annex 19.7 Code of Conduct for Members of Panels (State-State))
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	<p>en grupos de interés público u otras organizaciones que puedan tener un programa declarado que sea pertinente para la diferencia de que se trate);</p> <p>f) declaraciones explícitas de opiniones personales sobre cuestiones pertinentes para el asunto que se conoce (por ejemplo, publicaciones y declaraciones públicas).</p> <p>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.</p>	<p>10. In the event of any uncertainty regarding whether an interest, relationship, or matter must be disclosed under paragraphs 8 or 9, a candidate or panelist should decide 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 paragraphs 8 or 9, or whether it warrants refusal, amelioration, or disqualification.</p>	<p>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.</p> <p>(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.</p>	
Duties	<p>Desempeño de las funciones</p> <p>9. Un árbitro deberá cumplir con las disposiciones establecidas en el Capítulo 18 del Tratado y en sus Reglas Modelo de Procedimiento.</p> <p>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</p>	<p>Performance of Duties by Panelists</p> <p>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.</p> <p>12. A panelist shall ensure that the responsible office can, at all reasonable times, contact</p>	<p>5. The Performance of Duties by Candidates and Members</p> <p>(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.</p> <p>(b) A member shall ensure that the responsible office can, at all reasonable times,</p>	<p>Section III</p> <p>Performance of Duties by Candidates and Members</p> <p>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.</p> <p>6. A member shall carry out all duties fairly and diligently.</p>

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	(Art. 18.13.2; Código de Conducta. Decisión No. 8, Anexo (State-State)) (Spanish)	(Art. 21.8.1(d); Code of Conduct. Decision 7, Annex I (State-State))	(Art. 20.7.2(d); Code of Conduct. Commission Decision, Annex 1 (State-State))	(Annex 19.7 Code of Conduct for Members of Panels (State-State))
	(Full text available here)	(Full text available here)	(Full text available here)	(Full text available here)
	<p>procedimiento de manera justa y diligente.</p> <p>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.</p> <p>12. Un árbitro adoptará todas las medidas razonables para asegurar que sus asistentes cumplan con este Código de Conducta.</p> <p>13. Ningún árbitro establecerá contactos ex parte relativos al procedimiento.</p>	<p>the panelist in order to conduct panel business.</p> <p>13. A panelist shall carry out all duties fairly and diligently.</p> <p>14. A panelist shall comply with the provisions of Chapter Twenty-One (Dispute Settlement) and the applicable rules of procedure.</p> <p>15. A panelist shall not deny other panelists the opportunity to participate in all aspects of the proceeding.</p> <p>16. 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.</p> <p>17. A panelist shall take all appropriate steps to ensure that the panelist's assistant and staff are aware of, and comply with paragraphs 6, 7, 8, 9, 10, 14, 18, 29, 30, and 31 of this Code of Conduct.</p> <p>18. A panelist shall not engage in ex parte contacts concerning the proceeding.</p> <p>19. A panelist shall not communicate matters concerning actual or potential violations of this Code of Conduct unless the communication is to both Parties or the responsible office, where necessary to ascertain whether a panelist has violated or may violate this Code of Conduct.</p>	<p>contact the member in order to conduct panel business.</p> <p>(c) A member shall carry out all duties fairly and diligently.</p> <p>(d) A member shall comply with the provisions of Chapter Twenty and the applicable rules.</p> <p>(e) A member shall not deny other members the opportunity to participate in all aspects of the proceeding.</p> <p>(f) A member shall consider only those issues raised in the proceeding and necessary to a decision and shall not delegate the duty to decide to any other person, except as provided in the applicable rules.</p> <p>(g) A member shall take all reasonable steps to ensure that the member's assistant and staff comply with paragraphs 3 (Responsibilities to the Process), 4 (Disclosure Obligations), 5(h) (ex parte contacts), and 8 (Maintenance of Confidentiality) of this Code of Conduct.</p> <p>(h) A member shall not engage in ex parte contacts concerning the proceeding.</p> <p>(i) A candidate or member shall not communicate matters concerning actual or potential violations of this Code of Conduct, unless the communication is to the 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.</p>	<p>7. A member shall comply with this Code of Conduct.</p> <p>8. A member shall not deny other members the opportunity to participate in all aspects of the proceeding.</p> <p>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.</p> <p>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.</p> <p>11. A member shall not engage in ex parte contacts concerning the proceeding.</p> <p>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 Commission or is necessary to ascertain whether that candidate or member has violated or may violate this Code.</p>

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	(Art. 18.13.2; Código de Conducta. Decisión No. 8, Anexo (State-State)) (Spanish)	(Art. 21.8.1(d); Code of Conduct. Decision 7, Annex I (State-State))	(Art. 20.7.2(d); Code of Conduct. Commission Decision, Annex 1 (State-State))	(Annex 19.7 Code of Conduct for Members of Panels (State-State))
	(Full text available here)	(Full text available here)	(Full text available here)	(Full text available here)
Independence and Impartiality	<p><i>Independencia e imparcialidad de los miembros</i></p> <p>14. Los árbitros serán independientes e imparciales, actuarán de manera justa y evitarán que su conducta sea deshonesto o parcial.</p> <p>15 Ningún árbitro se dejará influenciar por presiones externas, consideraciones políticas, presión pública, lealtad a una Parte contendiente o temor a las críticas.</p> <p>16. Ningún árbitro incurrirá, directa o indirectamente, en obligaciones ni aceptará beneficios que pudieren interferir de algún modo con el cumplimiento de sus obligaciones.</p> <p>17. Ningún árbitro hará uso de su posición en el tribunal arbitral en beneficio de intereses personales o privados. Un árbitro evitará actuar de forma que pudiese crear la impresión de que otras personas se encuentran en una posición especial para influir en él.</p> <p>18. Ningún árbitro permitirá que su conducta o juicio sea influenciado por relaciones o responsabilidades, presentes o pasadas, de carácter financiero, comercial, profesional, familiar o social.</p> <p>19. Un árbitro evitará establecer relaciones o adquirir intereses de carácter financiero que pudieren afectar su imparcialidad o que razonablemente pudieren causar la impresión de que su</p>	<p><i>Independence and Impartiality of Panelists</i></p> <p>20. A panelist shall be independent and impartial. A panelist shall act in a fair manner and shall not create an appearance of impropriety or an apprehension of bias.</p> <p>21. A panelist shall not be influenced by self-interest, outside pressure, political considerations, public clamor, loyalty to a Party, or fear of criticism.</p> <p>22. 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 panelist's duties.</p> <p>23. A panelist shall not use his or her position on the panel to advance any personal or private interests. A panelist shall avoid actions that may create the impression that others are in a special position to influence the panelist.</p> <p>24. A panelist shall not allow past or existing financial, business, professional, family or social relationships, or responsibilities to influence his or her conduct or judgment.</p> <p>25. A panelist 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 apprehension of bias.</p>	<p><i>6. Independence and Impartiality of Members</i></p> <p>(a) A member shall be independent and impartial. A member shall act in a fair manner and shall not create an appearance of impropriety or an apprehension of bias.</p> <p>(b) A member shall not be influenced by self-interest, outside pressure, political considerations, public clamor, loyalty to a Party, or fear of criticism.</p> <p>(c) A member shall not, directly or indirectly, incur any obligation or accept any benefit that would in any way interfere, or appear to interfere, with the proper performance of the member's duties.</p> <p>(d) A member shall not use the member's position on 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.</p> <p>(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.</p> <p>(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</p>	<p><i>Section IV Independence and Impartiality of Members</i></p> <p>13. A member shall be independent and impartial. A member shall act in a fair manner and shall avoid creating an appearance of impropriety or bias.</p> <p>14. A member shall not be influenced by self-interest, outside pressure, political considerations, public clamour, loyalty to a Party or fear of criticism.</p> <p>15. A member shall not, directly or indirectly, incur any obligation or accept any benefit that would in any way interfere, or appear to interfere, with the proper performance of the member's duties.</p> <p>16. A member shall not use his or her position on 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.</p> <p>17. A member shall not allow past or existing financial, business, professional, family or social relationships or responsibilities to influence the member's conduct or judgement.</p> <p>18. 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</p>

PROVISION	Colombia-El Salvador, Guatemala, and Honduras FTA (State-State) (Art. 18.13.2; Código de Conducta. Decisión No. 8, Anexo (State-State)) (Spanish) (Full text available here)	United States-Colombia TPA (State-State) (Art. 21.8.1(d); Code of Conduct. Decision 7, Annex I (State-State)) (Full text available here)	Dominical Republic-Central America-US FTA (CAFTA-DR) (State-State) (Art. 20.7.2(d); Code of Conduct. Commission Decision, Annex 1 (State-State)) (Full text available here)	Chile-Korea FTA (State-State) (Annex 19.7 Code of Conduct for Members of Panels (State-State)) (Full text available here)
	conducta es deshonesto o parcial.	<p>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).</p> <p>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 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 and the Parties agree that the candidate should be appointed or the panelist should continue to serve.</p>	<p>an appearance of impropriety or an apprehension of bias. (g) If an interest, relationship, or matter of a candidate or member is inconsistent with subparagraphs (a) through (f), the candidate may accept appointment to a panel and a member may continue to serve on a panel if the disputing Parties waive the violation or if, after the candidate or member has taken steps to ameliorate the violation, the disputing Parties determine that the inconsistency has ceased.</p>	an appearance of impropriety or bias.
Obligations after proceeding	<p>Obligaciones en determinadas situaciones</p> <p>20. Los ex árbitros evitarán aquellos actos que pudieren causar una impresión de haber sido parciales en el desempeño de sus funciones o de que podría haberse beneficiado de la decisión o resolución del tribunal arbitral.</p>	<p>Duties of Former Panelists</p> <p>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.</p>	<p>7. Duties of Former Members</p> <p>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.</p>	<p>Section V</p> <p>Duties in Certain Situations</p> <p>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.</p>
Confidentiality	<p>Confidencialidad</p> <p>21. Un árbitro o ex árbitro no revelará ni utilizará en ningún momento información alguna relacionada con el procedimiento o adquirida</p>	<p>Maintenance of Confidentiality</p> <p>29. A panelist or former panelist shall not at any time disclose or use any non-public information concerning a</p>	<p>8. Maintenance of Confidentiality</p> <p>(a) A member or former member shall not at any time disclose or use any non- public information concerning the</p>	<p>Section VI</p> <p>Maintenance of Confidentiality</p> <p>20. A member or former member shall not at any time disclose or use any non-public</p>

PROVISION	Colombia-El Salvador, Guatemala, and Honduras FTA (State-State)	United States-Colombia TPA (State-State)	Dominical Republic-Central America-US FTA (CAFTA-DR) (State-State)	Chile-Korea FTA (State-State)
	(Art. 18.13.2; Código de Conducta. Decisión No. 8, Anexo (State-State)) (Spanish)	(Art. 21.8.1(d); Code of Conduct. Decision 7, Annex I (State-State))	(Art. 20.7.2(d); Code of Conduct. Commission Decision, Annex 1 (State-State))	(Annex 19.7 Code of Conduct for Members of Panels (State-State))
	(Full text available here)	(Full text available here)	(Full text available here)	(Full text available here)
	<p>durante el mismo, que no sea del dominio público, excepto para los fines del procedimiento, y en ningún caso revelará o utilizará dicha información en beneficio propio o de terceros o para afectar desfavorablemente los intereses de las Partes contendientes.</p> <p>22. Ningún árbitro revelará el contenido de una decisión del tribunal arbitral antes de su publicación.</p> <p>23. Ningún árbitro o ex árbitro revelará en ningún momento las deliberaciones del tribunal arbitral ni las opiniones de los otros árbitros.</p>	<p>proceeding or acquired during a proceeding, including the deliberations of a panel or any panelist's view, except for purposes of the proceeding or except as required by law. In case such disclosure is required by law, the panelist shall provide sufficient advance notice to the Parties and the disclosure shall not 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.</p> <p>30. A panelist or former panelist shall not disclose a panel report, or parts thereof, issued under Chapter Twenty-One prior to the release to the public of the final report by the Parties. A panelist or former panelist shall not at any time disclose which panelists are associated with majority or minority opinions in a proceeding under Chapter Twenty-One.</p> <p>31. A panelist shall not make a public statement regarding the merits of a pending proceeding.</p>	<p>proceeding or acquired during the proceeding except for the purposes of the proceeding and shall not, in any case, disclose or use any such information to gain personal advantage or advantage for others or to affect adversely the interest of another.</p> <p>(b) A member shall not disclose a panel report issued under Chapter Twenty prior to release of the final report by the disputing Parties. 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 Twenty.</p> <p>(c) 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.</p> <p>(d) A member shall not make a public statement regarding the merits of a pending proceeding.</p>	<p>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 people.</p> <p>21. A member shall not disclose a panel ruling prior to its publication.</p> <p>22. A member or former member shall not at any time disclose the deliberations of a panel, or any member's view.</p>
Others		<p>Responsibilities of Assistants, Experts, Staff, ' mediators and conciliators</p> <p>32. Paragraphs 6, 7, 8, 9, 14, 18, 29, 30, and 31 of this Code of Conduct apply also to experts, assistants, and staff.</p> <p>33. The provisions established in this Code of Conduct as</p>	<p>9. Responsibilities of Assistants and Staff</p> <p>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</p>	<p>Section VII</p> <p>Responsibilities of Assistants and Staff</p> <p>23. Sections I, II and VI of this Code of Conduct apply also to assistants and staff.</p>

PROVISION	Colombia-El Salvador, Guatemala, and Honduras FTA (State-State)	United States-Colombia TPA (State-State)	Dominical Republic-Central America-US FTA (CAFTA-DR) (State-State)	Chile-Korea FTA (State- State)
	(Art. 18.13.2; Código de Conducta. Decisión No. 8, Anexo (State-State)) (Spanish)	(Art. 21.8.1(d); Code of Conduct. Decision 7, Annex I (State-State))	(Art. 20.7.2(d); Code of Conduct. Commission Decision, Annex 1 (State- State))	(Annex 19.7 Code of Conduct for Members of Panels (State- State))
	(Full text available here)	(Full text available here)	(Full text available here)	(Full text available here)
		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:

<i>Canada-Honduras FTA</i> (in force Oct. 1, 2014)	<i>Canada- Peru FTA</i> (in force August 1, 2009)	<i>TPP</i> (draft)
<u>Commission has not issued Code of Conduct to this date</u> 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) <u>comply with the Code of Conduct for Dispute Settlement established by the Commission.</u> 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.	<u>Commission has not issued Code of Conduct to this date</u> 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. <u>comply with any Code of Conduct for Dispute Settlement as agreed by the Commission.</u> 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.	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.
<i>Canada-Chile FTA</i> (in force July 5, 1997)	<i>Canada-Colombia FTA</i> (in force August 15, 2011)	<i>Canada- Panama FTA</i> (in force April 1, 2013)
<u>Commission has not issued Code of Conduct to this date</u> 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) <u>comply with a code of conduct to be established by the Commission.</u>	<u>Commission has not issued Code of Conduct to this date</u> 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. <u>Comply with a Code of Conduct that the Commission shall approve at its first session following the entry into force of this Agreement.</u>	<u>Commission has not issued Code of Conduct to this date</u> Article 22.09: Qualifications of Panellists Each panellist 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) <u>comply with a Code of Conduct that the Commission shall approve at its first session following the entry into force of this Agreement;</u> and (f) not have been involved in an alternative dispute settlement proceeding referred to in Article 22.06 regarding the same dispute.

<i>CARICOM-Costa Rica FTA</i> (in force Costa Rica-: Trinidad and Tobago, Nov. 15, 2005; Guyana, April 30, 2006; Barbados, August 1, 2006; Belize, March 10, 2011; Jamaica, June 1, 2015)	<i>Chile-United States FTA</i> (in force Jan. 1, 2004)	<i>EU-China Comprehensive Agreement on Investment</i> (as agreed by the parties on Dec. 30, 2020)
<u>Joint Council has not issued the Code of Conduct to this date</u> 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) <u>comply with the code of conduct to be established by the Joint Council.</u>	<u>Commission has not issued the Code of Conduct to this date</u> 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) <u>comply with a code of conduct to be established by the Commission.</u>	<u>Ongoing discussions as to this date, though expected to be published by the end of February–early March 2021.</u> Section V Dispute Settlement Annex II, Section 1 Code of Conduct for Members of Arbitral Tribunals and Mediators in state-state disputes.