

ANNEX IV

CODE OF CONDUCT FOR ARBITRATORS

I. Definitions

1. In this Code of Conduct:
 - (a) "administrative staff", in respect of an arbitrator, means persons under the direction and control of the arbitrator, other than assistants;
 - (b) "Agreement" means the Agreement between the European Union and Japan for an Economic Partnership;
 - (c) "arbitrator" means a member of a panel;
 - (d) "assistant" means a person who, under the terms of appointment of an arbitrator, conducts research or provides assistance to that arbitrator;
 - (e) "candidate" means an individual whose name is on the list of arbitrators referred to in Article 21.9 of the Agreement;
 - (f) "panel" means a panel established pursuant to Article 21.7 of the Agreement; and
 - (g) "proceedings" means the proceedings of the panel.

II. Provision of Code of Conduct

2. The Parties shall provide this Code of Conduct to each candidate at the time when his or her name is included on the list referred to in Article 21.9 of the Agreement.

III. Governing principles

3. Each candidate and arbitrator shall observe high standards of conduct, in accordance with this Code of Conduct, so that the integrity and impartiality of the dispute settlement mechanism is preserved.

IV. Disclosure obligations

4. Prior to the acceptance of his or her appointment as an arbitrator, 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 impartiality or that might reasonably create an appearance of impropriety or bias in the proceedings. To this end, he or she 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.

5. The disclosure obligation under paragraph 4 is a continuing duty and shall also apply to an arbitrator after acceptance of his or her appointment. During the course of the proceedings, an arbitrator shall disclose in writing any new information regarding the obligation under paragraph 4 to the Parties at the earliest time he or she becomes aware of it.
6. In meeting these disclosure requirements, personal privacy shall be respected.

V. Performance of duties

7. 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 panel procedure, and with fairness and diligence.
8. An arbitrator shall consider only those issues raised in each proceeding and necessary for a decision and shall not delegate the duty of such consideration to any other person.
9. An arbitrator shall not engage in *ex parte* contacts concerning matters under consideration by the panel in the proceedings.

VI. Independence and impartiality

10. An arbitrator shall be independent and impartial, shall avoid direct and indirect conflicts of interests, shall not be influenced by self-interest, outside pressure, political considerations, public clamour and loyalty to a Party or fear of criticism, and shall avoid creating an appearance of impropriety or bias.
11. An arbitrator shall not, directly or indirectly, incur any obligation or accept any benefit that would in any way affect, or appear to affect, the proper performance of his or her duties.
12. An arbitrator shall not use his or her position on the panel to advance any personal or private interests and shall avoid actions that may create the impression that others are in a special position to influence him or her.

13. An arbitrator shall not allow past or existing financial, business, professional, personal, family or social relationships or responsibilities to influence his or her conduct or judgement.
14. An arbitrator shall avoid entering into any relationship or acquiring any financial interests that are likely to affect his or her impartiality or that might reasonably create an appearance of impropriety or bias.
15. A former arbitrator shall avoid actions that may create the appearance that he or she was biased in carrying out his or her duties or derived advantage from the decision of the panel in which he or she served.

VII. Confidentiality

16. No arbitrator shall at any time disclose any non-public information concerning, or acquired during, the panel procedure for which he or she is appointed. No arbitrator shall in any case use such information to gain personal advantage or advantage for others or to adversely affect the interest of others.
17. No arbitrator shall disclose the decision of the panel or parts thereof, unless the decision is made publicly available.
18. An arbitrator shall not, at any time, disclose the deliberations of a panel or any arbitrator's view, nor make any statements on the panel procedure for which he or she is appointed or on the issues in dispute in such procedure.
19. The obligations under paragraphs 16 to 18 shall continue to apply to a former arbitrator.

VIII. Other obligations

20. A candidate or an arbitrator shall communicate matters concerning actual or potential violations of this Code of Conduct to both Parties for their consideration at the earliest possible time and on a confidential basis.
21. An arbitrator shall take all reasonable and appropriate steps to ensure that his or her assistant and administrative staff is aware of and comply with the obligations incurred by arbitrators under Parts III, IV, VI and VII of this Code of Conduct.
22. Each arbitrator shall keep a record and render a final account of the time devoted to the panel procedure and of his or her expenses, as well as the time and expenses of his or her assistants.