

**ANNEX IV.1**  
**CODE OF CONDUCT FOR ARBITRATORS OF THE ARBITRATION TRIBUNAL**

**Definitions**

1. In this Code of Conduct:

- a) “arbitrator” means a member of an Arbitration Tribunal effectively established under Article 14 of Chapter IV;
- b) “assistant” means a person who, under the terms of appointment of an arbitrator, conducts, researches or provides assistance to the arbitrator;
- c) “proceeding”, means an arbitration proceeding under Section V of Chapter IV.

**Commitment to the Process**

2. The arbitrators shall abide by the terms of Chapter IV, the rules set out in this Code of Conduct and the Rules of Procedure.

3. The arbitrators shall be independent and impartial, shall avoid direct or indirect conflicts of interest and shall respect the confidentiality of the proceedings established in Chapter IV so as to preserve the integrity and impartiality of the dispute settlement mechanism.

**Disclosure Obligations**

4. To ensure the observance of this Code each arbitrator, prior to the acceptance of his/her selection, shall disclose the existence of any interest, relationship or matter that he/she could reasonably be expected to know and that is likely to affect or could raise justifiable doubt as to the arbitrator’s independence or impartiality, including public statements of personal opinion on issues relevant to the dispute and any professional relationship with any person or organization with interest in the case.

5. 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 proceeding. The arbitrator shall disclose such interests, relationships or matters by informing the Joint Committee, in writing, for consideration by the parties.

**Duties of Arbitrators**

6. Upon selection, an arbitrator shall perform his/her duties thoroughly and expeditiously throughout the course of the proceeding, and with fairness and diligence.

7. An arbitrator shall consider only those issues raised in the proceeding and necessary for an award and shall not delegate this duty to any other person.

8. An arbitrator shall take all appropriate steps to ensure that his or her assistant is aware of, and complies with, paragraphs 13, 17, 18 and 19 of this Code of Conduct.

9. An arbitrator shall not engage in “*ex parte*” contacts concerning the proceeding.

### **Independence and Impartiality of Arbitrators**

10. As stated in Article 13.2 of Chapter IV, the arbitrator shall exercise his/her position without accepting or seeking instructions from any government, international, governmental or non-governmental organization or any private source, and shall not have intervened in any previous stage of the dispute assigned to him/her.

11. An arbitrator shall be independent and impartial and shall not be influenced by self interest, political considerations or public opinion.

12. An arbitrator shall not, directly or indirectly, incur any obligation or accept any benefit that would in any way interfere with, or which could give rise to justifiable doubts as to, the proper performance of his/her duties.

13. An arbitrator may not use his/her position on the Arbitration Tribunal to advance any personal or private interests.

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

15. An arbitrator must avoid entering into any relationship or acquiring any financial interest that is likely to affect his or her impartiality.

### **Obligations of Former Arbitrators**

16. All former arbitrators shall avoid any kind of derived advantage from the decision or award of the Arbitration Tribunal.

### **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 award prior to its publication in accordance with Article 18 of Chapter IV.

19. An arbitrator or former arbitrator shall not at any time disclose the deliberations of an arbitration proceeding, or any arbitrator's view.

### Statement of Agreement

20. In accordance with Article 13.5 of Chapter IV, the arbitrators shall, immediately after their designation, sign the following Statement of Agreement:

#### STATEMENT OF AGREEMENT

By means of this Statement of Agreement I accept the appointment to hereby act as an arbitrator in accordance with Chapter IV of the Free Trade Agreement between MERCOSUR and the Arab Republic of Egypt, including the Code of Conduct and the Rules of Procedure annexed thereto.

I declare not to have any interest in the dispute or any other reason that could be an impediment to my continuing duty to serve on the Arbitration Tribunal established with the purpose of settling this dispute between the parties.

I undertake to act independently, impartially and with integrity and to avoid direct and indirect conflicts of interests and not to accept third party suggestions or orders, as well as not to receive remuneration related to this performance except that comprised in the Chapter IV of the Agreement.

I undertake to disclose herewith and in the future any information likely to affect my independence and impartiality, or which could give rise to justifiable doubts as to the integrity and impartiality of this dispute settlement mechanism.

I undertake to respect my obligations regarding the confidentiality of the dispute settlement proceedings, as well as the content of my vote.

Moreover, I accept the possibility of being required to serve after the rendering of the Award, in accordance with Article 20 of Chapter IV of the Agreement.