

Annex 19.7
Code of Conduct for Members of Panels

Definitions

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 direction and control of the member, other than assistants.

Section I
Responsibilities to the Process

2. Every candidate and member shall avoid impropriety and the appearance of impropriety, be independent and impartial, avoid direct and indirect conflicts of interests and observe high standards of conduct so that the integrity and impartiality of the dispute settlement process are preserved. Former members shall comply with the obligations established in Sections V and VI of this Code of Conduct.

Section II
Disclosure Obligations

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.

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.

Section III
Performance of Duties by Candidates and Members

5. A candidate who accepts a selection as a member shall be available to perform, and shall perform, a member's duties thoroughly and expeditiously throughout the course of the proceeding.
6. A member shall carry out all duties fairly and diligently.
7. A member shall comply with this Code of Conduct.
8. A member shall not deny other members the opportunity to participate in all aspects of the proceeding.
9. A member shall consider only those issues raised in the proceeding and necessary to rendering a decision and shall not delegate the duty to decide to any other person.
10. A member shall take all reasonable steps to ensure that the member's assistant and staff comply with Sections I, II and VI of this Code of Conduct.
11. A member shall not engage in *ex parte* contacts concerning the proceeding.
12. A candidate or member shall not communicate matters concerning actual or potential violations of this Code of Conduct unless the communication is to the Commission or is necessary to ascertain whether that candidate or member has violated or may violate this Code.

Section IV
Independence and Impartiality of Members

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

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.

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 an appearance of impropriety or bias.

Section V
Duties in Certain Situations

19. A member or former member shall avoid actions that may create the appearance that the member was biased in carrying out the member's duties or would benefit from the decision or ruling of the panel.

Section VI
Maintenance of Confidentiality

20. 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 others people.

21. A member shall not disclose a panel ruling prior to its publication.

22. A member or former member shall not at any time disclose the deliberations of a panel, or any member's view.

Section VII
Responsibilities of Assistants and Staff

23. Sections I, II and VI of this Code of Conduct apply also to assistants and staff.