

Arbitrators' Code of Ethics

Article 1 (General Principle)

1. Any person who accepts to serve as arbitrator in an arbitration subject to the Rules of Arbitration of the Portuguese Chamber of Commerce and Industry (Commercial Arbitration Centre) undertakes to perform his/her functions in accordance with the Rules of Arbitration and this Code of Ethics.
2. Arbitrators undertake to be and remain independent and impartial, respecting and ensuring respect for the prestige and efficiency of arbitration as a fair means of resolving disputes.
3. This Code of Ethics shall be interpreted and integrated, bearing in mind the International Bar Association Guidelines on Conflicts of Interest in International Arbitration.

Article 2 (Acceptance of Office as Arbitrator)

Anyone invited to serve as arbitrator ("invited arbitrator") may only accept such office if he/she considers himself/herself to be in a position to remain independent and impartial, possessing the knowledge necessary to consider the issue or issues that are the subject-matter of the dispute and, furthermore, that he/she has the time foreseeably necessary for the purpose.

Article 3 (Impartiality and Independence)

1. The arbitrator shall decide the issues submitted to his/her consideration with absolute impartiality and independence.
2. The arbitrator appointed by a party is not its representative and is, under all circumstances, subject to the ethical obligations laid down in this Code.
3. The arbitrator may not allow any type of prejudice, personal interest, external pressure or fear of criticism affect his/her decision.

Article 4

(Duty to disclose)

1. The arbitrator has the duty to disclose all facts and circumstances that may, from the parties' perspective, give rise to reasoned doubts as to the arbitrator's impartiality and independence, and this obligation remains in force until his/her jurisdictional power terminates.
2. Before accepting the position, the invited arbitrator shall inform the party that appointed him or her of the following:
 - a) Any professional or personal relationship with the parties and its legal representatives that the invited arbitrator considers relevant;
 - b) Any economic or financial interest, whether direct or indirect, in the subject-matter of the dispute;
 - c) Any prior knowledge that he/she may have had about the subject-matter of the dispute.
3. Upon acceptance of office, the arbitrator shall sign the statement of acceptance, availability, independence and impartiality foreseen in the Rules. This statement shall be updated if, during the arbitration proceedings, any new circumstance emerges that may, from the parties' perspective, give rise to reasoned doubts as to the arbitrator's independence or impartiality.
4. If there is any doubt about the relevance of any fact, circumstance or relationship, the duty to disclose shall always prevail.
5. The disclosure of facts and circumstances foreseen in this article may not be understood as a declaration that the person is not considered impartial and independent and that, as a consequence, he/she is not apt to serve as an arbitrator, unless otherwise resulting from said disclosure.

Article 5

(Prohibition from Communicating with the Parties)

1. Before accepting the position, the invited arbitrator may only request from the party that invited him or her a brief description of the dispute, identifying the parties, co-arbitrators and counsel, if applicable, and the content of the arbitration agreement.
2. Save for the provisions of the following paragraph, the appointed arbitrator may not communicate in private with the parties or their counsel about the subject-matter of the dispute before the arbitral tribunal has been constituted.

3. If the arbitrators in the arbitral tribunal are appointed by the parties and have the responsibility of choosing the president, each of them may consult the party who appointed him or her about choosing the president.

4. While the arbitral proceedings are pending, the arbitrator shall abstain from any communication with one of the parties and its counsel in respect of the subject-matter of the dispute and any other incidents that may take place during the arbitral proceedings.

Article 6 (Duty of Diligence)

1. The arbitrator shall conduct the arbitration in the fastest, most efficient and most economical way compatible with the respect for the parties' procedural guarantees.

2. The arbitrator shall dedicate to the arbitration all the time and attention necessary to fully understanding and considering the facts that are the subject-matter of the dispute.

Article 7 (Fees and expenses)

1. The arbitrator's fees and the method of reimbursing expenses incurred in the exercise of his/her functions are determined exclusively under the Rules.

2. An arbitrator who is appointed by a party is prohibited from adjusting his/her fees or expenses or any other remuneration related to the exercise of his or her functions with that party.

3. Arbitrators are prohibited from proposing, negotiating or agreeing any alterations to the fees established in the Rules with the parties or their counsel and they shall, if they decide to do so, request such alterations from the Chairman of the Centre, under the Rules, in which case counsel may be informed of such intention beforehand.

Article 8 (Confidentiality)

Without prejudice to the provisions of the law and the Rules, the arbitrator shall respect the confidentiality of the proceedings and the arbitral award and may not use the information obtained during the arbitral proceedings with the aim of profiting, for himself/herself or for a third party, or damaging the interests of another.

Article 9
(Prohibition from Soliciting Appointments)

No-one shall actively seek to be appointed for any arbitration, but any person may publicly advertise his/her experience in arbitral matters, subject to the duty of confidentiality.