

EUROPEAN COURT OF ARBITRATION

Arbitrators Code of Ethics

The Code of Ethics of Arbitrators includes the duty:

- to be and to remain independent from the parties, their shareholders, their officers, their advisors;
- to be and to remain impartial;
- to be and to remain neutral and unbiased;
- to disclose promptly any conflict or bias;
- to complete their mandate, and to resolve the dispute by making an award which be enforceable in the seat of the arbitral proceedings and at the domicile of the losing party;
- to act in a diligent and fair way;
- to accept appointments only as to matters which he/she can decide with adequate knowledge;
- to act expeditiously and efficiently;
- to conduct the proceedings in compliance with the arbitration agreement;
- to apply properly the applicable law (or the principles of *ex aequo et bono* [mitigating strict law] if the parties have so decided);
- to keep confidentiality;
- to establish a constructive dialogue with the parties;
- not to delegate his/her decision;
- to give priority to their role of service on their own benefit of whatsoever nature;
- to strictly respect the rights of the parties, giving to each of them a reasonable opportunity of presenting and proving her case and of responding to the opposite site;
- to give priority to the intention of the parties over the merely literal wording of their statements, representations and commitments;
- to invite the parties whenever possible to settle, or to go through mediation proceedings;
- to participate constructively in the deliberations of the arbitral tribunal;
- to remember that the parties refer disputes to arbitration because they want proceedings which be different from and better than court proceedings.