

The Chinese Arbitration Association, Taipei Code of Ethics for Arbitrators

Effective as of November 6, 2000

Amended on December 26, 2001

Amended on December 30, 2009

Article 1

The Chinese Arbitration Association, Taipei (hereinafter “Association”) passes this code to ensure arbitrators’ fairness, objectivity, impartiality, and independence, and to maintain the credibility and integrity of the system of arbitration. This code is enacted in accordance with Article 22 of the Rules on Arbitration Institutions, Mediation Procedures and Fees.

Article 2

Any arbitrator that registers or affiliates himself with the Association shall comply with this code and other relevant rules, laws, and regulations.

Article 3

An arbitrator shall not solicit or use any illegal or improper means to be appointed as an arbitrator.

Article 4

An arbitrator shall be neutral, impartial, objective, independent, and shall attend to matters candidly, patiently, and responsibly.

Article 5

An arbitrator shall abide by the Republic of China arbitration laws and the Association’s arbitration rules. He must apply his professional knowledge and exercise the highest duty of care.

Article 6

An arbitrator shall keep all matters handled within an arbitration case confidential.

Article 7

An arbitrator shall maintain the integrity of arbitration, shall not accept or demand any bribes or improper benefit, shall not act against the law, shall not behave inappropriately, and shall try to avoid the appearance and risk of bias.

Article 8

An arbitrator, whether elected by the parties or through some other method, should avoid raising any doubts through any actions or statements, that he represents any party as a lawyer or agent.

Article 9

An arbitrator shall act in accordance with Article 15, Paragraph 2 of the Republic of China Arbitration Law, shall truthfully inform the parties of any circumstances listed therein.

Article 10

An arbitrator shall not let any family or social relationships affect their fairness, objectivity, or independence.

Article 11

An arbitrator shall remain neutral with the parties, agents, witnesses, experts, and any other interested parties, and shall not accept any form of remuneration from them.

Article 12

An arbitrator shall comply with the recusal provisions of the Arbitration Law. If reasons are determined by the arbitrator that casts reasonable doubt as to his impartiality, he should refuse the arbitration. If these reasons are discovered after the arbitration, he should recuse himself.

Article 13

An arbitrator shall perform all his duties himself, not delegating them to others.

Article 14

After an arbitrator is appointed, unless there are legitimate reasons that cannot be avoided, he should not resign his position.

Article 15

An arbitrator shall conduct the arbitration proceedings actively, and must make the arbitration award within the statutory period.

Article 16

An arbitrator shall not discuss case matters privately with any party, agent, or other person involved with the arbitration.

Article 17

The Association set up an "Arbitrator Ethics Committee" (hereinafter "Ethics Committee"), which consists of nine to eleven members who possess a reputation for integrity and impartiality and are familiar with the system of arbitration. There shall be one chairman elected by the members who shall serve for three years, and is eligible for one reelection. The Ethics Committee's duties are as follows:

- 1) Make decisions on arbitrator ethic rules;
- 2) Promote arbitrator ethics education;
- 3) Decide if arbitrators are in violation of the ethics rules; and
- 4) Deal with other matters related to arbitrator ethics.

Article 18

If Ethics Committee members determine an arbitrator to be in violation of a rule, the arbitrator should abide by their decision and recuse himself. Requests for recusal by the Ethics Committee shall not be objected to by the arbitrator in question.

Article 19

In the event that a party or his agent determines that an arbitrator has failed to comply with this Code, he should report the arbitrator's misconduct to the Ethics Committee in writing. The Association's board of directors may refer any incidence of arbitrator misconduct to the Ethics Committee.

Article 20

When the Ethics Committee is deliberating upon a rule violation, it should try to avoid damage to any party's reputation or interests.

Article 21

Ethics Committee procedures are not open to the public.

Article 22

When the Ethics Committee is handling an ethics violation, the accused party shall have the opportunity to defend himself. The Ethics Committee may investigate evidence, hold oral arguments, question witnesses, and have the decision made public, if it deems it necessary.

Article 23

The accused or his agent may attend the Ethics Committee meeting. If the Ethics Committee deems it necessary, they may require the actual person, and not his agent to attend.

Article 24

When the Ethics Committee is considering an ethics violation, two-thirds or more (excluding recused committee members) of the committee must agree on the decision.

Article 25

The Ethics Committee shall make a written decision, signed by the deciding members, delivered to the parties concerned, which includes the following items:

- 1) Defendant's name and address;
- 2) Text of the decision;
- 3) Facts and Reasoning; and
- 4) Date of the decision.

Article 26

When the Ethics Committee finds that the accused has violated the rules, it may, according to the severity of the offense, do the following:

- 1) Give a warning;
- 2) Suspend registration to the Association as an arbitrator for six months to three years; and/or
- 3) Cancel registration with the Association permanently.

The preceding paragraph does not effect the defendant's current arbitration, but the Ethics Committee may decide whether or not the defendant may continue the current arbitration.

Article 27

When deemed necessary, the decision made according to the previous articles may be printed in full or part in the Association's publication.

Article 28

This code, as well as any amendments thereto, shall enter into force on the date on which the board of directors resolves to adopt it.