

AMCA

Arbitration and
Mediation
Center of Armenia

CODE OF CONDUCT OF ARBITRATORS



- Yerevan 2024 -

*Upon Decision of the Arbitration Council
of "ARBITRATION AND MEDIATION CENTER OF ARMENIA" Foundation
No 2 of 21.02.2024*



ARBITRATION AND MEDIATION CENTER OF ARMENIA

CODE OF CONDUCT OF ARBITRATORS

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Article 1. Acceptance of the Code of Conduct

1. An arbitrator accepting a mandate in an arbitration administered by the "ARBITRATION AND MEDIATION CENTER OF ARMENIA" foundation ("the AMCA") shall act in accordance with the Arbitration Rules of the AMCA and this Code of Conduct of Arbitrators ("Code of Conduct").
2. This Code of Conduct shall apply by analogy to experts appointed in the arbitral proceedings administered by the AMCA.

Article 2. Competence

1. When accepting the mandate, an arbitrator shall, to the best of his/her knowledge, be able to perform the tasks with the necessary competence with respect to the adjudicating function and the subject matter of the dispute.

Article 3. Availability

1. When accepting the mandate, an arbitrator shall, to the best of his/her knowledge, be able to devote the necessary time and attention to the arbitration to perform and complete the tasks as expeditiously, diligently and efficiently as possible.

Article 4. Impartiality and Independence

1. When accepting the mandate, an arbitrator shall, to the best of his/her knowledge, be able to perform the tasks with the necessary impartiality characterizing the adjudicating function he/she undertakes in the interest of all parties.

2. When accepting the mandate, an arbitrator shall, to the best of his/her knowledge, be independent.
3. The arbitrator shall remain impartial and independent during the entire arbitral proceedings.

Article 5. Statement of Acceptance, Availability, Impartiality and Independence

1. Prior to confirmation and appointment, a prospective arbitrator shall sign a statement of acceptance, availability, impartiality and independence.
2. Arbitrators and prospective arbitrators shall disclose in writing to the AMCA Secretariat and the parties any facts or circumstances which might be of such a nature as to call into question the arbitrator's independence in the eyes of the parties, as well as any circumstances that could give rise to reasonable doubts as to the arbitrator's impartiality.
3. All doubts as to the opportunity to disclose a fact, circumstance or relationship shall be resolved in favour of disclosure.
4. Where facts, circumstances and relationships that should have been disclosed are subsequently discovered, the Arbitration Council may deem that this fact is a ground for replacing the arbitrator during the proceedings or not confirming him/her in other arbitral proceedings.
5. The duty to disclose is continuous and applies through the end of the proceedings.

Article 6. Ex Parte Communications

1. Arbitrators and prospective arbitrators shall not engage in and shall refrain from any unilateral or *ex parte* communication with the parties or their representatives regarding the case, except to discuss, prior to the nomination, the general characteristics of the case and the qualification, experience or specific expertise of the

prospective arbitrator, as well as the prospective arbitrator's impartiality, independence and availability.

2. Arbitrators may communicate with parties or party representatives on an *ex parte* basis for the purpose of the selection of the president of the arbitral tribunal.
3. In all *ex parte* communications, an arbitrator or prospective arbitrator shall refrain from expressing any views on the substance of the dispute.

Article 7. Development of the Proceedings

1. An arbitrator shall promote a thorough and expeditious development of the proceedings. In particular, an arbitrator shall decide on the date and manner of the hearings in such a way as to allow for the equal treatment of all parties and compliance with due process of law.

Article 8. Settlement

1. An arbitrator may at all stages suggest the possibility of a settlement, mediation or conciliation of the dispute to the parties.
2. An arbitrator shall not facilitate settlement discussions or act as a mediator.

Article 9. Deliberations

1. The deliberations of the arbitral tribunal shall held in private.
2. An arbitrator shall refrain from any obstructive or non-cooperative behavior and promptly participate in the deliberations.

Article 10. Fees and Costs

1. An arbitrator shall not accept or enter into any direct or indirect arrangement on fees and expenses with any of the parties or their counsel.

2. An arbitrator shall be entitled to a fee and reimbursement of expenses as solely determined by the AMCA in accordance with the Schedule of Fees defined in its Arbitration Rules, which is deemed to be approved by the arbitrator when accepting the mandate.
3. The arbitrator shall avoid unreasonable and unjustified expenses that can increase the costs of the proceedings in an unjustified manner.

Article 11. Violation of the Code of Conduct

1. An arbitrator who does not comply with this Code of Conduct may be replaced by the Arbitration Council.