



MILAN  
CHAMBER OF  
ARBITRATION

# ARBITRATION RULES

IN FORCE AS FROM 1 MARCH 2023



# CODE OF ETHICS OF ARBITRATORS

## ARTICLE 1 – ACCEPTANCE OF THE CODE OF ETHICS

1. An arbitrator accepting a mandate in an arbitration administered by the Chamber of Arbitration of Milan shall act in accordance with the Rules of the Chamber of Arbitration and this Code of Ethics, independent of the party that appointed him.
2. This Code of Ethics shall apply by analogy to Expert to the arbitral body appointed in the arbitral proceedings administered by the Chamber of Arbitration.

## ARTICLE 2 – PARTY-APPOINTED ARBITRATOR

A party-appointed arbitrator shall be bound by all the duties under this Code of Ethics throughout the entire course of the proceedings; he may contact the party or its counsel regarding the appointment of the President of the Arbitral Tribunal if asked to appoint him. The indications given by the party shall not be binding on the arbitrator.

## ARTICLE 3 – COMPETENCE

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

## ARTICLE 4 – AVAILABILITY AND DEDICATION

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

## ARTICLE 5 – IMPARTIALITY

When accepting his mandate, the arbitrator shall, to the best of his knowledge, be able to perform his task with the necessary impartiality characterising the adjudicating function he undertakes in the interest of all parties.

## ARTICLE 6 – INDEPENDENCE

When accepting his mandate, the arbitrator shall, to the best of his knowledge, be objectively independent. He shall remain independent during the entire arbitral proceedings as well as after the award is filed, during the period in which annulment of the award can be sought.

## ARTICLE 7 – STATEMENT OF IMPARTIALITY AND INDEPENDENCE

1. In order to guarantee his impartiality and independence, the arbitrator shall supply the written statement provided for by the Rules of the Chamber of Arbitration when accepting his mandate.

2. All doubts as to the opportunity to disclose a fact, circumstance or relationship shall be resolved in favour of disclosure.
3. Where facts, circumstances and relationships that should have been disclosed are subsequently discovered, the Chamber of Arbitration may deem that this fact is a ground for replacing the arbitrator during the proceedings or not confirming him in other arbitral proceedings.

### **ARTICLE 8 – DEVELOPMENT OF THE PROCEEDINGS**

The arbitrator shall promote a thorough and expeditious development of the proceedings. In particular, he 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 the full compliance with the due process of law.

### **ARTICLE 9 – UNILATERAL CONTACTS**

In the entire course of the proceedings, the arbitrator shall refrain from all unilateral contact with the parties or their counsel. Where there is such a unilateral contact, the arbitrator shall immediately notify the Chamber of Arbitration so that the Chamber can inform the other parties and arbitrators.

### **ARTICLE 10 – SETTLEMENT**

The arbitrator may at all stages suggest the possibility of a settlement or conciliation of the dispute to the parties but may not influence their decision by indicating that he has already reached a decision on the outcome of the proceedings.

### **ARTICLE 11 – DELIBERATION OF THE AWARD**

1. The arbitrators deliberate the award by expressing and discussing their respective opinions.
2. The deliberation of the award is held in private.
3. The arbitrator shall refrain from any obstructive or non-cooperative behaviour and promptly participate in the deliberation. He shall remain free to refuse to sign the award where the decision is taken by majority vote by the Arbitral Tribunal.

### **ARTICLE 12 – FEES AND COSTS**

1. The arbitrator shall not accept any direct or indirect arrangement on fees and expenses with any of the parties or their counsel.
2. The arbitrator shall be entitled to a fee and reimbursement of expenses as solely determined by the Chamber of Arbitration in accordance with its Schedule of Fees, which is deemed to be approved by the arbitrator when accepting his mandate.
3. The arbitrator shall avoid unreasonable and unjustified expenses that can increase the costs of the proceedings in an unjustified manner.

### **ARTICLE 13 – VIOLATION OF THE CODE OF ETHICS**

The arbitrator who does not comply with this Code of Ethics may be replaced by the Chamber of Arbitration, which, may also refuse to confirm him/her in subsequent proceedings by taking into consideration the seriousness and the relevance of this violation.



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