

中華仲裁國際中心仲裁人暨當事人倫理規範
CAA Code of Ethics For Arbitrators and Parties

<p>To ensure that arbitrators and parties act with integrity and professionalism when conducting arbitrations, the CAA International Arbitration Centre (“<i>CAAI</i>”) has established CAAI Code of Ethics For Arbitrators and Parties (“<i>the Code</i>”) pursuant to Article 2.5 of CAAI Arbitration Rules (“<i>the Rules</i>”).</p>	<p>中華仲裁國際中心(下稱本中心)為確保仲裁人及當事人以廉正及專業進行仲裁，特依中華仲裁國際中心仲裁規則(下稱本規則)第 2.5 條訂定本規範。</p>
<p>PART 1 – ARBITRATORS</p>	<p>第一節：仲裁人</p>
<p>1. Integrity and Fairness</p> <p>1.1 An arbitrator shall act with integrity and fairness at all stages of the arbitration, and shall promptly withdraw or take other appropriate measures if this is no longer possible.</p> <p>1.2 An arbitrator shall give all parties reasonable opportunity to present their case.</p>	<p>1. 廉正及公平</p> <p>1.1 仲裁人應秉持廉正及公平處理仲裁案件，並於不再可能做到時，儘速辭任或採取其他適當措施。</p> <p>1.2 仲裁人應予全體當事人合理陳述之機會。</p>
<p>2. Impartiality and Independence</p> <p>2.1 Both before and throughout the arbitration, an arbitrator shall disclose any circumstances that may give rise to justifiable doubts as to his or her impartiality or independence in accordance with <i>IBA Guidelines on Conflicts of Interest in International Arbitration</i>.</p> <p>2.2 An arbitrator shall not act as advocate for any party. An arbitrator shall not</p>	<p>2. 公正及獨立</p> <p>2.1 於仲裁程序開始前及進行中，仲裁人應依國際律師協會國際仲裁利益衝突指引之規定，告知任何可能導致對其公正性或獨立性產生合理懷疑之情事。</p> <p>2.2 仲裁人應避免為任何當事人代言。除經雙方當</p>

<p>engage in unilateral communication with any party except in the following circumstances: (a) pre-appointment communication in accordance with Article 15.1 of the Rules; or (b) the arbitrator has agreed to act as the mediator pursuant to the parties' agreement and engages in unilateral communication only during the period when the arbitrator is acting as the mediator.</p> <p>2.3 Throughout the arbitration, an arbitrator shall avoid any communication or conduct that may give rise to justifiable doubts as to his or her impartiality or independence.</p> <p>2.4 An arbitrator shall not actively solicit appointment as arbitrator.</p> <p>2.5 An arbitrator shall safeguard the credibility and integrity of arbitration. He or she shall not accept any lobbying from the parties, demand or receive improper benefits, or engage in other illegal or improper conduct. An arbitrator shall also avoid any conduct that may raise the appearance of bias.</p>	<p>事人同意擔任本案件之調解人而為調解時，或依本規則第 15.1 條規定之情形外，仲裁人不得與任何當事人進行單方接觸。</p> <p>2.3 於仲裁程序進行中，仲裁人應避免任何可能導致對其公正性或獨立性產生合理懷疑之接觸或行為。</p> <p>2.4 仲裁人不得招攬事件，擔任仲裁人。</p> <p>2.5 仲裁人應維護仲裁之公信力，不得接受當事人關說、要求或收受不正利益，或有其他不法、不當之行為，並應盡力避免外觀上令人生偏頗之虞之行為。</p>
<p>3. Availability and Diligence</p> <p>3.1 An arbitrator shall devote the time sufficient and necessary to conduct the arbitration within the time limits specified in the Rules, and in accordance with <i>CAAI Guidelines on Case Management Conference</i>.</p> <p>3.2 An arbitrator shall have the requisite qualifications as agreed by the parties, as well as the ability to carry out his or her mandate.</p> <p>3.3 An arbitrator shall not resign after accepting an appointment, except for</p>	<p>3. 餘裕及勤勉</p> <p>3.1 仲裁人應付出充足且必要時間，於本規則所定期限及依本中心案件管理會議指引，進行仲裁程序。</p> <p>3.2 仲裁人應具備當事人所約定資格，以及執行其職務之能力。</p> <p>3.3 仲裁人接受選任後，除有應迴避事由或其他正</p>

<p>applicable withdrawal circumstances or other justifiable reasons.</p> <p>3.4 An arbitrator shall neither delegate its fundamental decision-making functions to anyone nor rely on anyone to perform his or her essential duties. An arbitrator shall be responsible for any Tribunal secretary's conduct in connection with the arbitration at all times.</p>	<p>當理由外，不得中途辭任。</p> <p>3.4 仲裁人不得將作決定之任何職責授與任何人，或仰賴任何人執行其必要之職責。仲裁人應全程對任何仲裁庭秘書就仲裁案件相關之行為負責。</p>
<p>4. Confidentiality</p> <p>An arbitrator shall abide by the relationship of trust inherent in the arbitration and uphold confidentiality in accordance with Article 39 of the Rules.</p>	<p>4. 保密</p> <p>仲裁人應遵循仲裁所必備之信任關係，並依本規則第39條所定內容保守秘密。</p>
<p>5. Contravention of Part I by Arbitrator and Complaint to CAAI</p> <p>5.1 A party affected by an arbitrator's contravention of any provision in Part I of the Code ("the complainant") may lodge a written complaint with CAAI. CAAI may also investigate any contravention on its own initiative.</p> <p>5.2 CAAI shall give both complainant and complaine e reasonable opportunity to present their case. It may conduct investigations and hold hearings that it considers necessary for decision-making.</p> <p>5.3 Pending CAAI's decision, the Tribunal, including the complaine e, may continue the arbitration, unless CAAI orders a suspension of the arbitration.</p> <p>5.4 CAAI shall make a written decision and take any the following measures if it finds contravention by the complaine e:</p>	<p>5. 就仲裁人之違反行為向本中心陳訴</p> <p>5.1 仲裁人違反本規範第一節任何規定時，受影響之當事人（陳訴人）得以書面向本中心提出陳訴。本中心亦得主動處理任何違反情事。</p> <p>5.2 本中心應給予陳訴人及被陳訴人合理陳述之機會，必要時並應調查證據、舉行言詞辯論，以發現真實，作成決定。</p> <p>5.3 除本中心決定暫停仲裁外，於本中心就該陳訴作成決定前，仲裁庭（包括被陳訴人）得繼續仲裁。</p> <p>5.4 本中心應就該陳訴作成書面決定，如認被陳訴</p>

- (a) give warning;
- (b) deduct payment of fees and expenses for the period of contravention (and order the refund of any fees and expenses already paid);
- (c) terminate or revoke appointment as arbitrator in this case;
- (d) suspend appointment as arbitrator for a specified period;
- (e) remove from CAAI List of Arbitrators.

5.5 The complainant or the complainee who is dissatisfied with CAAI's decision may, within seven days of receiving such decision, apply to CAAI for review of its decision, with written submissions based on new facts or new evidence that were not previously provided for reasons not attributable to the applicant.

5.6 If CAAI finds such application for review to be without merit, it may dismiss such application without any hearing. If it finds such application to have merits, it shall revoke or revise its original decision. The review decision shall be final and made once only.

人有違反本規範之情事，應採取下列措施：

- (a) 警告；
- (b) 扣減仲裁人報酬及費用(於已支付報酬及費用情形，得要求返還)；
- (c) 撤銷其擔任本案件仲裁人之職務；
- (d) 限期停止其擔任本中心仲裁人之資格；
- (e) 自本中心仲裁人名冊除名。

5.5 陳訴人與被陳訴人對決定有異議時，應於收到決定書之日起七日內，就不可歸責於再審議聲請人未提出之新事實或新證據，以書狀敘明，向本中心聲請再審議。

5.6 本中心認為再審議無理由者，得不經言詞辯論駁回之；認為再審議有理由者，應撤銷或變更原決定。再審議之決定為最後之決定，以一次為限。

PART II – PARTIES	第二節：當事人
<p>6. A party shall ensure that all of its representatives agree to comply with Part II of the Code as a condition of their representation. Any contravention by a party’s representative shall be deemed to be contravention by that party. For the purposes of Part II of the Code, any reference to “party” includes that party’s representatives.</p>	<p>6. 當事人應確保其所有代理人同意遵守本規範第二節，以作為委任代理之條件。其代理人任何違反行為，視為當事人本人之所為。本規範第二節所指「當事人」者，皆涵蓋其代理人。</p>
<p>7. A party shall not engage in unilateral communication with any arbitrator except in the following circumstances: (a) pre-appointment communication in accordance with Article 15.1 of the Rules; or (b) the arbitrator has agreed to act as the mediator pursuant to the parties’ agreement and engages in unilateral communication only during the period when the arbitrator is acting as the mediator.</p>	<p>7. 當事人不得與任何仲裁人進行單方接觸，但經雙方當事人同意擔任本案件之調解人而為調解時，或依本規則第 15.1 條規定不在此限。</p>
<p>8. A party shall not engage in activities intended to obstruct the arbitration or jeopardise the award, including unfounded or repeated challenges to arbitrators or to the Tribunal’s jurisdiction.</p>	<p>8. 當事人不得有任何意圖阻礙仲裁程序或妨害仲裁判斷之行為，包括毫無根據或重複聲請仲裁人迴避或就仲裁庭管轄權提出異議。</p>
<p>9. A party shall not knowingly deceive or mislead the Tribunal or CAAI, including:</p> <ul style="list-style-type: none"> (a) procuring or presenting false evidence; (b) procuring or presenting incorrect translation; (c) making false submissions of fact; (d) making false submissions of law; 	<p>9. 當事人不得惡意欺瞞或誤導仲裁庭或本中心，包括：</p> <ul style="list-style-type: none"> (a) 獲取或提出虛偽之證據； (b) 獲取或提出錯誤譯文； (c) 作出虛偽之事實陳述； (d) 作出虛偽之法律陳述；

<p>(e) concealing or destroying evidence without justifiable reasons, or otherwise contravening the Tribunal’s order for document production;</p> <p>(f) persuading or assisting witness to give false evidence.</p>	<p>(e) 無正當理由而隱匿或銷毀證據，或違反仲裁庭命提出文件之裁斷；</p> <p>(f) 誘使或協助證人提出虛偽之證詞。</p>
<p>10. Unless the parties agree otherwise, a party shall comply with the confidentiality provisions in Article 39 of the Rules.</p>	<p>10. 除當事人另有約定外，當事人應依本規則第 39 條所定內容保守秘密。</p>
<p>11. Contravention of Part II by Party and Complaint to Tribunal</p> <p>11.1 In the event of a complaint by one party against another party (or of such complaint by the Tribunal upon CAAI’s request or its own initiative), the Tribunal may, after giving that party a reasonable opportunity to respond to the complaint, decide whether or not that party has contravened any provision in Part II of the Code.</p> <p>11.2 If the Tribunal finds such contravention, the Tribunal may take any of the following measures:</p> <p>(a) give warning;</p> <p>(b) make appropriate inferences when assessing evidence and making decisions;</p> <p>(c) make appropriate order for costs or sanctions;</p> <p>(d) suspend the relevant party representative(s) from the arbitration.</p>	<p>11. 就當事人之違反行為向仲裁庭陳訴</p> <p>11.1 如一方當事人對他方當事人提出陳訴，或仲裁庭基於本中心之請求或主動提出，仲裁庭得於給予該當事人合理回應陳訴之機會後，決定該當事人是否違反本規範第二節之任何規定。</p> <p>11.2 仲裁庭如認確有違反規範情事，得採取下列措施：</p> <p>(a) 警告；</p> <p>(b) 於審酌證據及裁斷時作成適當之推論；</p> <p>(c) 就費用或裁罰作成適當之裁斷；</p> <p>(d) 暫停該當事人之代理人參與該仲裁事件。</p>