



Chinese Arbitration Association, Taipei

ARBITRATOR STATEMENT

[Name] _____ is invited to serve as arbitrator in Case Number _____.

ACCEPTANCE or NON-ACCEPTANCE

(Please tick only one box.)

- I decline to serve as arbitrator in this case. *(If you tick here, please sign, date and send this form to CAA without completing other sections.)*
- I accept to serve as arbitrator and declare as follows: *(If you tick here, please complete the remaining section)*

DECLARATION:

1. I understand that I shall be impartial and independent when serving as an arbitrator from my acceptance of the appointment until the end of the arbitration. I shall promptly inform the parties, members of the arbitral tribunal and CAA of any facts or circumstances that may, in the eyes of the parties, give rise to doubts as to my impartiality or independence. Any doubt as to the disclosure of such facts or circumstances should be resolved in favour of disclosure.
2. Having referred to the judicial interpretations of Article 15 of the Arbitration Law of R.O.C and the current version of the IBA Guidelines on Conflicts of Interest in International Arbitration, and having considered my past and present, direct and indirect, financial, professional and other relationships with any of the parties and their relatives, representatives, affiliates and related entities, I declare that: *(please tick only one box):*

I have nothing to disclose to the parties, members of the arbitral tribunal and CAA.

I shall conduct this arbitration with impartiality, independence and objectivity, as well as refrain from any conduct that may, apparently and in the eyes of the parties, give rise to doubts as to my impartiality, independence or objectivity.

I make the following disclosure to the parties, members of the tribunal and CAA.

I have no doubts about my impartiality and independence in conducting this arbitration. However, I am mindful that my past and present, direct and indirect, financial, professional and other relationships with any of the parties and their relatives, representatives, affiliates and related entities may, in the eyes of the parties, give rise to doubts as to my impartiality or independence. Accordingly, I disclose the following facts or circumstances to facilitate the parties' decisions on my self-evaluation and any further exploration of my disclosure.

Please disclose details below. Please attach additional sheet(s) if needed.



3. I shall devote the necessary time to conduct the arbitration diligently, expeditiously and effectively, as well as by reference to the CAA Guidelines on Case Management Conference. I shall participate in the arbitral proceedings and deliberations, render and sign arbitral awards within the time limits prescribed by the Arbitration Law of R.O.C or agreed by the parties.

4. I shall resign immediately if any of the following occurs:
 - (1) Any of the facts or circumstances specified in paras 1 to 5 of Appendix 1 has come to my attention or come into existence.
 - (2) The CAA Court of Arbitration has decided to suspend or prohibit me from acting as arbitrator due to my contravention of the CAA Code of Ethics for Arbitrations (as extracted in Appendix 2).

Signature: _____ **Date:** _____

Address: _____ **Telephone Number:** _____

Appendix 1: Circumstances to be disclosed by the Arbitrator (Please tick each box after you have read the item)

1. Any of the grounds for disqualification of judges stipulated in Article 32 of the ROC Code of Civil Procedure also apply to the arbitrator. Read
2. The arbitrator is a manager, director or supervisor, or has a controlling influence on one of the parties or an entity that has a direct economic interest in the award to be rendered in the arbitration. Read
3. There is an identity between a party and the arbitrator, or the arbitrator is a legal representative or employee of an entity that is a party in the arbitration. Read
4. The arbitrator has a significant financial or personal interest in a party or the award to be rendered in the arbitration. Read
5. The arbitrator or his/her firm regularly advises a party or an affiliate of a party, and the arbitrator or his/her firm derives significant financial income therefrom. Read

(In the 5 abovementioned situations, the arbitrator shall decline the appointment or resign his/her role as an arbitrator albeit the parties have agreed explicitly. Even if the arbitrator finds that the “material” or “significant” or “controlling influence” requirements are not met and decides to accept the appointment or not to resign, the arbitrator shall disclose the relevant facts and circumstances to the parties, the members of the arbitral tribunal and the arbitration institution)

6. The arbitrator has or had employment, agency, delegation, partnership, or joint practice and office sharing relationship with a party. If such relationship no longer exists, please state the date when such relationship ended. Read
7. The arbitrator’s firm has employment, agency, delegation, partnership, or joint practice and office sharing relationship with a party. Read
8. The arbitrator has or had employment or agency relationship or partnership with a party’s representative or witness. If such relationship no longer exists, please state the date when such relationship ended. Read
9. The arbitrator or his/her firm has given legal advice or provided expert opinion on the matter in dispute to a party or an affiliate of a party. Read
10. The arbitrator holds shares, either directly or indirectly, in one of the parties, or an affiliate of one of the parties, this party or an affiliate being privately held; the arbitrator holds shares, either directly or indirectly, that by reason of number or denomination constitute a material holding in one of the parties, or an affiliate of one of the parties, this party or an affiliate being privately held or publicly listed. Read
11. The arbitrator’s spouse, sibling, child, parent, life partner or any other family member with whom the arbitrator has a close relationship has a significant financial interest in the outcome of the case, or has a close relationship with a non-party who may be liable to recourse on the part of the unsuccessful party in the arbitral award, or has a significant financial interest in one of the parties or an affiliate of one of the parties. Read
12. The arbitrator is a lawyer in the same law firm as the counsel to one of the parties, or the arbitrator currently represents the law firm which advises or represents one of the parties. Read
13. The arbitrator is currently a manager, director or supervisor, or has a controlling influence on an affiliate

- of a party, if the affiliate is directly involved in the case. Read
14. The arbitrator's firm has or had involved in the case without the arbitrator being involved himself or herself, or the arbitrator's firm has significant commercial relationship with one of the parties or its affiliate. Read
 15. The arbitrator regularly advises one of the parties, or an affiliate of one of the parties, but neither the arbitrator nor his or her firm derives a significant financial income therefrom. Read
 16. The arbitrator has a close family relationship, including but not limited to his or her spouse, siblings, children, parents, life partners, with one of the parties, or with a manager, director or supervisor, or any person having a controlling influence in one of the parties, or an affiliate of one of the parties. Read
 17. The arbitrator and another arbitrator, or counsel to one of the parties in the arbitration, currently work or have worked in the same entity, or currently serve or have served together within the past three years as co-counsel. Read
 18. The arbitrator currently serves, or has served within the past three years, as arbitrator in another arbitration on a related issue involving one of the parties, or an affiliate of one of the parties. Read
 19. Close friendship or enmity exists between an arbitrator and a representative of a party, a manager or director or supervisor of an entity that has an interest in the award; or any person having a controlling influence in one of the parties or an affiliate of one of the parties or a witness or expert witnesses. Read
 20. The arbitrator has, within the past three years, been appointed as arbitrator on two or more occasions by one of the parties or an affiliate of one of the parties; or appointed as arbitrator on three or more occasions by the same counsel or law firm. Read
 21. If the arbitrator is a former judge, he or she has, within the past three years, heard a significant case involving one of the parties. Read
 22. The arbitrator has publicly advocated a position on the case, whether in a published paper, or speech, or otherwise. Read
 23. **Any other circumstances that may give rise to the parties' justifiable doubts as to the arbitrator's impartiality or independence.** Read

(Note: The above is based on the 2014 IBA Guidelines on Conflicts of Interest in International Arbitration, an electronic version of which can be downloaded at: http://www.ibanet.org/Publications/publications_IBA_guides_and_free_materials.aspx)

Appendix 2: Excerpt from the Code of Ethics for Arbitrators

1. The arbitrator shall maintain confidentiality of the proceedings. Without the consent of the tribunal and the parties, the arbitrator shall not disclose any circumstances concerning the procedure or substance of the case. The arbitrator shall not discuss the case with, or accept information concerning the case from, one party in private.
2. The arbitrator does not represent any party regardless of his/her appointment by any party. The arbitrator shall avoid any conduct that would give rise to doubts as to the arbitrator acting as a party's representative

or advocate, and shall conduct the proceedings with the spirit of integrity, honesty and professionalism while encouraging other participants in the proceedings to act in the same standard.

3. The arbitrator shall avoid contending or confronting with the parties during hearings, making premature conclusions on critical issues, and being influenced by factors other than procedural issues.
4. During the term of his/her performance of duty, the arbitrator shall avoid improper social interactions with the parties or the parties' representatives, witnesses, experts and other interested party.
5. The arbitrator shall perform his/her duties personally and shall not delegate such duties to another person. The arbitrator shall not resign without justifiable reason.
6. The arbitrator shall not accept any request or benefit from any party or interested party in any form.
7. The arbitrator's impartiality and independence in performing his/her duties shall not be affected by the arbitrator's family, social or other relationships.