



STATEMENT OF INDEPENDENCE OF THE ARBITRATOR

Filling in notes

- *The arbitrator shall fill in the statement of independence according to his/her duties, as set by the Arbitration Rules and the Code of Ethics.*
- *When filling in the statement of independence, the arbitrator undertakes to enquire exhaustively into any potential conflict of interest, and any doubt should be resolved in favor of disclosure (Art. 7, Para. 2, of the Code of Ethics).*
- *The statement of independence may concern any facts / circumstances / relationships, either direct, or indirect.*
- *Duration of any aspect shall be disclosed, specifying its beginning and ending.*
- *When filling in the statement of independence, the arbitrator shall take into consideration the firm / organization where he/she performs an ongoing professional relationship.*
- *As for point a) of Art. 18, Para. 2, of the Rules, the statement of independence may concern any facts / circumstances / relationships in regards of:*
 - *the parties and, where a company is involved, any other entity / individual that is owned by, or related to the same group of any of the parties;*
 - *the legal representative of the parties;*
 - *the parties' counsels, as well as their law firms.*

When filling in the statement of independence, the arbitrator may consider the "IBA Guidelines on Conflicts of Interest in International Arbitration", attached to the Secretariat's letter of appointment.

Should the Arbitral Council decide on the statement of independence according to Article 18, Para. 4, of the Rules, then it will not be bound in its decision by the IBA Guidelines.



MILAN
CHAMBER OF
ARBITRATION

**DECLARATION OF ACCEPTANCE AND
STATEMENT OF INDEPENDENCE OF THE ARBITRATOR**

ARBITRATION (xxx)

AAA / CCC

As for the captioned arbitration, I, the undersigned _____ ,

[please, fill in the relevant boxes]

☐ **ACCEPT** to serve as arbitrator in accordance with the Secretariat's letter of appointment dated, the Arbitration Rules, the Code of Ethics of Arbitrators and the Schedule of Fees of the Milan Chamber of Arbitration.

☐ **DON'T ACCEPT** to serve as arbitrator.

(If the you wish to specify the reasons of your non acceptance, please do so)



☐ **DECLARE** to be and to intend to remain independent and impartial in this dispute. I declare that, to my knowledge, there are no facts, circumstances or relationships which may affect my independence and impartiality.

or

☐ **DECLARE** to be and to intend to remain independent and impartial in this dispute. However, in consideration of Art. 18.2 of the Arbitration Rules and Art. 7 of the Code of Ethics of Arbitrators of the Chamber of Arbitration of Milan, I disclose the following facts / circumstances / relationships, specifying their nature, time and length:



Date_____

Signature_____

ARBITRATION RULES – ARTICLE 18
STATEMENT OF INDEPENDENCE AND CONFIRMATION OF ARBITRATORS

1. When giving notice of their acceptance the arbitrators shall submit their statement of independence to the Secretariat.
2. In the statement of independence the arbitrator shall disclose, specifying the time and duration:
 - a. any relationship with the parties, their counsel or any other person or entity involved in the arbitration which may affect his/her impartiality or independence;
 - b. any personal or economic interest, either direct or indirect, in the subject matter of the dispute;
 - c. any bias or reservation as to the subject matter of the dispute;
3. The Secretariat shall forward a copy of the statement of independence to the parties. Within ten days from receipt of the statement, each party may file written comments with the Secretariat.
4. After expiration of the time limit set in paragraph 3, the arbitrator shall be confirmed by the Secretariat if he/she has filed an unqualified statement of independence and none of the parties has filed any comments thereon. In any other case, the Arbitral Council shall decide whether or not the arbitrator shall be confirmed.
5. The statement of independence shall be re-submitted during the course of the arbitration until its conclusion in the event of supervening facts or at the request of the Secretariat.

CODE OF ETHICS OF ARBITRATORS
ART. 7 - STATEMENT OF IMPARTIALITY AND INDEPENDENCE

1. In order to guarantee his/her impartiality and independence, the arbitrator shall supply the written statement provided for by the Rules of the Chamber of Arbitration when accepting his/her 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/her in other arbitral proceedings.