

Code of Ethics and Conduct

I – INTRODUCTION

1.1 CAMARB – Chamber of Business Mediation and Arbitration – Brazil (“CAMARB”), through this Code of Ethics and Conduct (“Code”), aims to guide the performance of arbitrators, mediators, members of *dispute board* and the experts and other participants in the arbitration proceedings, as applicable, hereinafter referred to as “Professionals”, as well as the parties, their attorneys and technical assistants.

1.2 The guidelines that make up this Code, in addition to not being exhaustive, are complementary to the mandatory legal principles and standards, and to the provisions:

(i) in the agreements entered into by the parties, in the rules and in the administrative resolutions of CAMARB;

(ii) in the “Guidelines of the Brazilian Arbitration Committee (CBAr) on the arbitrator’s duty of disclosure”^[1];

(iii) in the “Code of Ethics for Arbitrators”^[2] and in the “Code of Ethics for Mediators”^[3] approved by the National Council of Mediation and Arbitration Institutions (CONIMA).

1.3 CAMARB undertakes to give wide publicity to this Code and make it available on its website. *website*.

II – DUTIES OF PROFESSIONALS

2.1 The Professional, to act in a procedure administered by CAMARB, must be and remain independent and impartial, observing the following:

a. the Professional must accept the referral only if they are sure that they have the availability, necessary qualifications and adequate knowledge of the applicable law and the language chosen to conduct the procedure;

b. in exercising the duty of disclosure, which must be observed throughout the procedure and not only when filling out the “Questionnaire attached to the Declaration of Availability, Non-Impediment, Independence and Impartiality”, the Professional must provide information on any relevant facts and circumstances that, in the eyes of an independent and reasonable third party, may give rise to justifiable doubts as to their independence and impartiality in relation to the controversy, the parties, their attorneys, technical assistants and the people and entities expressly appointed by the parties as related to the conflict and/or interested in it.

2.2 In carrying out their duties, the Professional must:

a. be discreet and avoid conduct or appearance of improper conduct that could give rise to justifiable doubts about their independence or impartiality;



- b. refrain from promising or guaranteeing results;
- c. avoid maintaining contact about the procedure with the parties, technical assistants and/or their attorneys at times and in environments other than those intended for carrying out the acts of the procedure. When necessary, this should be done, preferably, with the participation of all parties, as well as, if applicable, with the participation of other appointed professionals, and always with transparency;
- d. act diligently, quickly and efficiently, meeting the reasonable expectations of the parties, and ensuring that the procedure is managed efficiently in terms of time and cost;
- e. act transparently and offer equal treatment to the parties;
- f. in the case of the arbitrator(s) and member(s) of *dispute boards*, respect the due process and free reasoned conviction;
- g. have the technical capacity and availability to act in all stages of the procedure;
- h. treat all people involved in the procedure with politeness and respect; and
- i. unless otherwise agreed by the parties, maintain confidentiality regarding the content and progress of the procedure, even after its conclusion, except in legal and regulatory cases in which confidentiality is waived.

2.3 The Professional must not resign from performing their duties, except in extraordinary cases.

2.4 Any member of CAMARB's bodies (General Assembly, Deliberative Council and Board of Directors) may act as a Professional. If the member is a member of the Board of Directors, they will be prevented from performing any act or participating in any deliberation related to the respective procedure, and must sign a document confirming such impediment.

III – DUTIES OF THE PARTIES, ATTORNEYS AND TECHNICAL ASSISTANTS

3.1 The parties, their attorneys and technical assistants must act collaboratively to ensure the efficiency of the procedure in terms of time and cost, refraining from carrying out acts with a merely delaying purpose, whether in the phase of constituting the Arbitral Tribunal or throughout the entire procedure.

3.2 The party may request clarification from the Professional in the exercise of their duty of disclosure. The silence of the party will imply their agreement with the indication, and they may not subsequently question the impartiality and independence of the Professional due to facts and circumstances previously revealed by them.

3.3 The parties must cooperate with the Professional in the proper exercise of their duty of disclosure, submitting to them, at the first opportunity, any doubts regarding their independence and impartiality, related to public facts and circumstances or those that are known to the parties or easily accessible to them. The party that fails to do so before the Professional is confirmed to act in the procedure may only subsequently question the impartiality and independence of the professional in the cases provided for by the Brazilian Arbitration Law.[\[4\]](#).



IV- DUTY OF CONFIDENTIALITY AND RESPECT FOR THE LGPD (GENERAL DATA PROTECTION LAW^[5])

4.1 Unless otherwise agreed by the parties, the Professionals, the parties, their attorneys and technical assistants must maintain confidentiality regarding the content and progress of the procedure, even after its conclusion, except in legal and regulatory cases in which confidentiality is waived.

4.2 No Professional, party, attorney or technical assistant may use the information or documents produced in the procedure for the purpose of obtaining undue advantages for themselves or third parties.

V – ESG POLICIES (ENVIRONMENTAL, SOCIAL AND GOVERNANCE)

5.1 Professionals, parties, attorneys and technical assistants are subject to the provisions of this Code and must also observe the policies of *Environmental, Social and Governance* (ESG) of CAMARB^[6] and ensure the promotion and maintenance, in particular, of the following basic guidelines: (i) sustainability; (ii) diversity, equity and inclusion; (iii) integrity and *compliance*.

[1] “Guidelines of the Brazilian Arbitration Committee (CBAr) on the arbitrator’s duty of disclosure” available at the link: <https://cbar.org.br/site/wp-content/uploads/2023/09/diretrizes-do-cbar-sobre-o-dever-de-revelacao-doa-arbitroa.pdf>. In case of conflict, the rules of this “CAMARB Code of Ethics and Conduct for Arbitrators, Mediators, Dispute Board Members, Parties and Attorneys” prevail over any other rules and codes.

[2] “Code of Ethics for Arbitrators” available at the link: <https://conima.org.br/site-em-construcao/arbitragem/codigo-etica-arbitros/>.

[3] “Code of Ethics for Mediators” available at the link: <https://conima.org.br/mediacao/codigo-de-etica-para-mediadores/>.

[4] Law No. 9.307/96, article 14, §2: “The arbitrator may only be refused for a reason that occurred after their appointment. They may, however, be refused for a reason prior to their appointment, when: a) they are not appointed directly by the party; or b) the reason for the arbitrator’s refusal is known after their appointment”.

[5] Law No. 13.709/18 available at the link: https://www.planalto.gov.br/ccivil_03/_ato2015-2018/2018/lei/L13709compilado.htm

[6] Administrative Resolution No. 27/23 available at the link: <https://camarb.com.br/resolucao/resolucao-administrativa-n-27-23/>.