



## **RULES ON CONFLICTS OF INTEREST OF THE BOARD MEMBERS OF THE COMMERCIAL ARBITRATION CENTRE**

**(1 April 2021)**

Pursuant to the provisions of Article 5, paragraph 3, of the Statutes of the Arbitration Centre of the Portuguese Chamber of Commerce and Industry | Commercial Arbitration Centre, on conflicts of interest of Board members for acting in arbitration proceedings administered by the Centre and for receiving information on acts already carried out, the following rules are hereby approved:

- 1.** For the purposes of these rules, a conflict of interest shall be deemed to exist when any situation arises which is likely to give rise to justifiable doubts as to the independence and impartiality of a member of the Board in relation to the proceedings, in particular being a party, representative, agent, arbitrator, witness, expert or having, in any capacity, involvement or interest in the arbitration proceedings.
- 2.** The connection of a member of the Board to any party to the proceedings shall also be considered to be a situation likely to give rise to justifiable doubts as to independence and impartiality.
- 3.** For the purposes of paragraphs 1 and 2, any links between the members of the Board and parties to the arbitration proceedings shall be relevant, in particular by virtue of family, corporate, associative, financing, employment or service provision relationships.
- 4.** The assessment of the existence of a conflict of interest situation shall be carried out objectively and from the perspective of a reasonable third party in the place of the parties.
- 5.** Members of the Board have a duty to identify current or potential, original or supervening situations of conflict of interest, and shall promptly notify them to the President.



**6.** Once a conflict of interest has been identified, any member of the Board that finds themselves in any of the situations referred to above shall not act in the proceeding, nor receive any information concerning it, and whenever a matter relating to the proceeding in which the conflict of interest has been identified is addressed in a Board meeting, the member shall abstain from participating in its discussion and shall leave the meeting room for that purpose.

**7.** The Chair of the Board shall be responsible for making any decisions that may be necessary or appropriate for the proper application of these rules.

**8.** In the event of impediment, acts that are the President's responsibility, according to the Rules in force at the Commercial Arbitration Centre, shall be performed by one of the Vice-Chairs. If both Vice-Chairs are impeded, the procedural acts shall be performed by one of the Members to be selected by draw.

**9.** The Secretariat has the duty to carry out the acts necessary for the implementation of these rules, in close coordination with the Board. The Secretariat has, in particular, a duty to collaborate in identifying potential situations of conflicts of interest, and shall, where appropriate, alert Board members of circumstances that may jeopardise their independence and impartiality, keeping the Chair informed on the matter.