

Declaration of Independence and Impartiality

Confidentiality Undertaking

Undertaking to Act in Accordance with the “Note to Parties and Arbitral Tribunals on the Conduct of the Arbitration Under the ICC Rules of Arbitration”

I, [NAME], hereby agree to serve as Administrative Secretary to the Tribunal in ICC Arbitration No. #####/## between ### (Claimant 1) and ##### (Claimant 2) and ##### (Respondent 1) and ### (Respondent 2). I agree to act in accordance with the 2017 ICC Rules of Arbitration (“Rules”) and the ICC “Note to Parties and Arbitral Tribunals on the Conduct of the Arbitration Under the ICC Rules of Arbitration” (1 January 2019) (“Note”) (in particular its section XIX related to Administrative Secretaries).

As required by both, I am impartial and independent and intend to remain so. To the best of my knowledge, and having made due enquiry, there are no facts or circumstances, past or present, that I should disclose because they might be of such a nature as to call into question my independence in the eyes of the parties, and no circumstances that could give rise to reasonable doubts as to my impartiality.

I hereby undertake to keep confidential any and all information I receive as a result of my participation in this proceeding, as well as the contents of any award made by the Tribunal. This obligation of confidentiality shall continue after completion of the arbitral procedure.

[Signature!]

Name

Date: September 2020 (date of this Sample Declaration)

Place

- This is a sample Administrative Secretary Declaration, based on paragraph 181 of the Note, referred to above, which would be sent to the parties along with the candidate’s CV, a disclosure of potential conflicts or circumstances indicated in paragraph 181 (if applicable), and the tribunal’s declaration under paragraph 182 of the Note.
- There is no specific ICC form or procedure for the appointment of an Administrative Secretary, beyond what is described in the Note. This proposed text should be modified according to the needs of the case.
- Per paragraph 182 of the Note, the arbitral tribunal shall make it clear to the parties that they may object to the proposal and that the administrative secretary shall not be appointed if a party has raised an objection.

SIMPSON DISPUTE RESOLUTION

122 Carriage Way
Michigan, 48197

+1 301 741 5399

www.simpsonadr.net

simpson@simpsonadr.net