

Policy on Involvement of Officers, Staffs of the Japan Commercial Arbitration Association with Arbitration and Mediation Cases

Effective on July 1, 2018

Amended on February 1, 2019

Article 1. Purpose

The purpose of this policy is to maintain the neutrality and fairness of the Japan Commercial Arbitration Association (hereinafter referred to as the "JCAA") and thereby secure the trust of arbitration and mediation under the administration of the JCAA by stipulating the measures and obligations to be complied with by the officers, staffs of the JCAA.

Article 2. Isolation of Information

- 1 The officers and staffs of the JCAA other than the President, Managing Director, Director in charge of arbitration and mediation (the Chief Arbitration and Mediation Officer), and the General Manager of the Osaka Office, as well as the staffs of the Arbitration and Mediation Department of the Tokyo Head Office and the Mediation, Arbitration, Planning and Consulting Section of the Osaka Office (hereinafter referred to as the "Officers and Staffs in Charge of Arbitration and Mediation") shall not be involved with arbitration and mediation cases pending before the JCAA.
- 2 The officers and staffs of the JCAA other than the Officers and Staffs in Charge of Arbitration and Mediation shall be blocked from accessing to information pertaining to individual arbitration and mediation cases of the JCAA.

Article 3. General Obligations of the Officers and Staffs in Charge of Arbitration and Mediation

The Officers and Staffs in Charge of Arbitration and Mediation shall not be involved in the administration of the arbitration and mediation cases pending before the JCAA if there are circumstances that hinder the neutrality and fairness with regard to the cases.

Article 4. Prohibited Acts of Officers and Staffs in Charge of Arbitration and Mediation

- 1 The Officers and Staffs in Charge of Arbitration and Mediation shall not take the position of an arbitrator, a mediator or an attorney representing the party in an arbitration or mediation case administered by the JCAA.
- 2 The JCAA shall not appoint a Director or an Auditor as an arbitrator or mediator when the JCAA is authorized to appoint an arbitrator or mediator.

Article 5. Arbitration and Mediation Cases to be Avoided by Officers and Staffs in Charge of Arbitration and Mediation

- 1 If the relationship between, on the one hand, the Officers and Staffs in Charge of Arbitration and Mediation and, on the other hand, a party to a case of arbitration or mediation filed with the JCAA falls under any of the followings, such Officers and Staffs shall not be involved in the administration of the case:
 - (1) In cases where the party, including an officer of the party which is a legal entity, is a spouse, a relative by blood within the fourth degree, a relative through marriage within the third degree or a relative living together with such Officers or Staffs;
 - (2) In cases where such Officers and Staffs hold shares of the party which is a stock company;
 - (3) In cases where such Officers and Staffs have continuously received salary or equivalent income from a party;
 - (4) In other cases where such Officers and Staffs have an interest with the parties;
- 2 Article 5.1(1), (3) and (4) shall apply *mutatis mutandis* to the relationship between the Officers and Staffs in Charge of Arbitration and Mediation, and the lawyer representing the above party.
- 3 With regard to relationship between the Officers and Staffs in Charge of Arbitration and Mediation, and an arbitrator and mediator of a case administered by the JCAA, such Officers and Staffs may be involved in the administration of the case, provided however that they shall not in case of determination by the JCAA on a challenge to the arbitrator or mediator, in case of decision by the JCAA on the remuneration of the arbitrator and mediator, or in any other cases where there are circumstances that contravene the provisions of Article 3.
- 4 Article 5.1 shall apply *mutatis mutandis* to the relationship between the

Officers and Staffs in Charge of Arbitration and Mediation, and a person concerned with arbitration and mediation case administered by the JCAA other than those provided for in Article 5.1 through Article 5.3, if such person has equivalent interest in the case with that of the party.

Article 6. Obligation of Advance Notice

- 1 The Officers and Staffs in Charge of Arbitration and Mediation shall notify the President in advance of the shares they hold and the salary, including the equivalent income, that they have continuously received from the person other than the JCAA.
- 2 In the event of any change in the contents of the notice set forth in Article 6.1, the Officers and Staffs in Charge of Arbitration and Mediation shall promptly notify the president thereof.
- 3 The President shall notify the Managing Director of the facts pertaining to Articles 6.1 and 6.2 with respect to the President.

Article 7. In the Event of Doubt

In the case of any doubt as to whether or not there is any circumstance as set forth in Article 5.1(4) and 5.4, the Officers and Staffs in Charge of Arbitration and Mediation shall notify the President of such doubt and comply with his/her determination. In the case of any such doubt with respect to the President, the President shall notify the Managing Director of such doubt and comply with his/her decision.

Supplementary Provision (Original Policy)

- 1 This policy shall come into effect on July 1, 2018.
- 2 [omitted]
- 3 [omitted]

Supplementary Provision (Amended Policy)

- 1 This policy shall come into effect on February 1, 2019.
- 2 Any person who has become an Officer and Staff in Charge of Arbitration and Mediation after the enforcement of this policy, shall notify the President of the facts specified in Article 6.1, in the case where such person is the President, he/she shall notify the Managing Director of such facts.