



## **PROTOCOL FOR TAB RAPPORTEURS**

Additional Provision 4 of the current TAB Rules of Procedure states that "The members of the TAB shall act as rapporteurs for the files designated to them. The rapporteur is the representative of the TAB in each file and is responsible for it and for all decisions affecting it before the TAB. Persons who do not meet the conditions indicated in art. 10 may not act as rapporteurs". In this sense, the rapporteur must be and remain independent and impartial throughout the arbitration, and may not maintain a personal, professional or commercial relationship with any of the parties.

As a representative of the TAB, the rapporteur must attend diligently and with full neutrality to any procedural queries, complaints or suggestions that may be addressed to him/her by Counsel or the arbitrators or alternates appointed under the terms of this protocol. For these purposes, the rapporteurs may be assisted at all times by the Counsel of the TAB.

This protocol, which is made up of eleven clauses, establishes the functions and guidelines to be followed in the development of TAB presentations.

**FIRST.-** The order of assignment of the cases will be, according to the order of entry of the files, in strict alphabetical order of the first surname of all the members of the TAB, as its members. The assignment of the cases will be carried out exclusively by the lawyer in charge of the TAB, with the approval of the chair of the TAB.

The person presiding the TAB shall be exempt from acting as rapporteur.

**SECOND.-** Rapporteurships may not be delegated. When the rapporteur of one or more arbitration cases is not present at a TAB session at which the case(s) is/are to be dealt with, the person chairing the TAB shall assume the role of rapporteur for the sole purpose of that TAB session. The same criterion shall be followed in the event of the impossibility of the rapporteur, due to illness or other similar reasons, to continue to take on the rapporteurship of one or more files.

**THIRD.-** From the moment that any TAB member ceases to hold office, all arbitration cases for which he/she is rapporteur shall be reassigned, following the order established in clause one. The same procedure shall be followed when a rapporteur has to be replaced in one or more rapporteurships for any other reason.

**FOURTH.-** The following shall be grounds for replacing the rapporteur in these functions::

- a) Voluntarily ceasing to be a member of the TAB.
- b) To be dismissed by the competent body as a member of the TAB.
- c) Incompatibility with an arbitration case.
- d) Other duly justified reasons, at the discretion of the Board of Directors.

**FIFTH.-** In accordance with D.A. 3 of the TAB Regulations, the members of the TAB are obliged, from the moment they accept their appointment, to maintain the confidentiality of all the deliberations of the meetings and hearings they attend in the exercise of their office, as well as the confidentiality of all the information and documentation they examine in the arbitration files.

**SIXTH.-** The names and surnames, as well as a telephone number and e-mail address of the rapporteur of each file shall be made known to the parties with the first communication from the TAB to the parties, specifying the functions of the rapporteurs.

**SEVENTH.-** The functions of the rapporteurs, with respect to the arbitration cases in which they act as rapporteur, are:

- a) To represent, directly or indirectly, the TAB.
- b) To report, at TAB sessions, on all matters affecting the arbitration case.
- c) To answer before the TAB for all decisions taken.
- d) To propose the speciality of the arbitrator to be appointed, following a report from a TAB lawyer.
- e) To ensure that the numbered list of eligible persons is available at the TAB session in which the arbitrator is to be appointed, in accordance with the rules and protocol for appointments.
- f) To attend to arbitrators, directly or indirectly, in the event of any procedural queries.
- g) To deal directly or indirectly with any procedural queries from the lawyers/assessors.
- h) Monitor, directly or indirectly, the arbitration file.
- i) Reviewing, directly or indirectly, the final award.

In all cases in which the rapporteur acts indirectly, he/she shall do so through one of the TAB's lawyers.

**EIGHTH.-** The rapporteur shall attend, either in person or online, all TAB sessions dealing with any arbitration case for which they are rapporteur. If they are unable to attend, they shall provide one of the lawyers of the TAB with the appropriate proposals and/or indications that they wish to submit to the TAB for deliberation, if possible, in writing. The lawyer of the TAB shall inform the TAB of these proposals and/or indications. In these cases, it shall be understood that the rapporteur delegates all the decisions to be adopted, including the appointment of the arbitrator, to the other members of the TAB attending the session.

**NINTH.-** The rapporteurs shall act for free, without prejudice to their legal right to compensation for expenses expressly justified by documentary evidence, derived from the performance of their duties. Expenses directly linked to the performance of their duties as rapporteurs for specific dossiers will be charged to the dossier in question.

**TENTH.-** In accordance with Additional Provision One of the TAB Regulations, the member of the TAB may not be appointed as arbitrators in arbitrations administered by the TAB.

Even so, in accordance with the provisions of Article 42 of the ACA-TAB Articles of Association, the member of the TAB may not simultaneously act as counsel for one of the parties in an arbitration administered by the TAB while being members of the TAB.

**ELEVENTH.-** In accordance with Additional Provision Second of the Rules of the TAB, if any of the members of the TAB have any conflict of interest in a specific matter, they shall be affected by incompatibility in order to take part in the decisions of that matter.

This protocol was approved by the Board of Directors on 6 July 2022.