



PROTOCOL ON APPOINTMENT OF ARBITRATORS OF THE TAB

Article 11 Section 3 of the TAB Rules stipulates that "the appointment of an arbitrator by the TAB shall be made to a person who is on the list which shall be displayed on the TAB website. In order to form part of the list, the corresponding request must be formalised, specifying the professional qualifications, experience and speciality or specialities and sufficiently accrediting it. Likewise, the courses on arbitration attended, the arbitration proceedings in which the applicant has been involved, whether at the TAB or at other institutions, or ad hoc arbitrations, and the languages in which the applicant is capable of ordering and processing an arbitration proceeding shall also be indicated. In arbitration in law, the applicant, in addition to being a lawyer, must have been a law graduate or graduate in law for ten years or more, and must have been practising a legal profession during this period...".

For its part, Art. 11 Section 4 of the Rules provides that " The TAB, after analysing the characteristics of the conflict, shall proceed, on the basis of the existing list of arbitrators and taking into account the appropriate specialisation for its resolution, to directly appoint the person it considers suitable as arbitrator and his/her substitutes. Said appointment shall be made at random when there are several arbitrators considered suitable for the assignment. Exceptionally, by agreement between both parties or for reasons arising from the uniqueness of a particular arbitration proceeding, the TAB, by means of a reasoned resolution, may appoint a person from outside the TAB's list. When appointing or confirming an arbitrator and the substitutes of the arbitrator, the TAB shall also take into account the nationality, location and language of the parties, as well as their availability to carry out the arbitration in accordance with the law and these Rules".

For the purposes of a homogeneous, transparent and guaranteeing performance in the appointment process, the TAB shall make the appointment of arbitrators in accordance with the eight clauses of this protocol.

FIRST: The list of TAB referees shall tend to respect gender parity and the territorial representation of all the sections of the ACA-TAB, complying in all cases with the requirements and merits required by the TAB Rules. The list shall also include the figure of the assistant or specialist without refereeing experience, whose performance, as an auxiliary to the referees, shall be free of charge.

SECOND.- The list of TAB arbitrators shall be updated every two years, for which purpose the following shall be carried out:

- a) Review that all persons who have been removed from the list have been removed.
- b) Expressly confirm the willingness of those who remain on the list to remain on the list.
- c) Expressly confirm the validity of personal and professional data.
- d) Incorporate, where appropriate, new candidates who meet the required merits, without prejudice to the permanent incorporation of arbitrators, where appropriate.

THIRD: The person holding the presidency of the TAB shall notify the interested party individually of their removal from the list of arbitrators, stating the reasons. The reasons for removal from the list of referees are as follows:

- a) Voluntary resignation of the person accredited as arbitrator.
- b) Death of the person accredited as arbitrator.
- c) Failure to accept an appointment, without just cause in the opinion of the TAB.
- d) Having been the subject of justified complaints from any party or their lawyers.
- e) Failure to comply with the instructions of the TAB, the rapporteur or the chair of the TAB.
- f) Not accepting or not complying with the rules, fees or other internal rules of the TAB.
- g) Failure to accredit the continuous training required by the TAB.

FOURTH: The list of TAB arbitrators shall be public. In accordance with the provisions of the transparency protocol, the list shall be kept permanently updated and shall be published on the corporate portal.

FIFTH.- Unless, exceptionally, the uniqueness of a case requires a reasoned appointment of a person from outside the TAB list or the direct appointment of a specific person from the list when that person is the only one suitable for the specific case, the TAB shall appoint arbitrators randomly from among the specialists who have accredited the requirements and merits demanded by the TAB Regulations.

SIXTH.- When it is necessary to appoint arbitrators at TAB sessions, the lawyer in charge of the TAB shall make an individual proposal for each file regarding the specialisation(s) required, in view of what has been stated by the parties in their introductory briefs and the subject matter of the dispute. This proposal, after consultation with the rapporteur, shall be included in the documentation of the TAB session in which the arbitrator is to be appointed.

SEVENTH.- When it is necessary to appoint arbitrators at TAB sessions, the lawyer responsible for the TAB shall draw up a numbered list of jurists in the speciality required in accordance with the previous clause for each file, taking into consideration, without distinction, those persons who appear on the TAB list as the first or second speciality. This numbered list shall exclude:

- a) Persons who are known to have any professional or commercial relationship with any of the parties or their lawyers.
- b) Persons who are carrying out TAB arbitration.
- c) Persons who have been appointed and are pending the commencement of a TAB arbitration as arbitrators. Persons who are merely appointed as alternates shall not be excluded.

In order to carry out the random appointment, the website "auge.com" for random number generation or similar shall be used. A minimum number of 1 and a maximum number of the total numbered list will be recorded.

EIGHTH: The specific list for each file indicated in the previous clause, which shall be indexed by the first surname of the persons included, shall indicate: the order number, their first and second surname followed by their first name, the locality of their professional address and the number of TAB arbitrations awarded in the last two years. In addition, when the arbitration is international, it shall also indicate: the nationality/s of the arbitrator/s, the languages he/she knows and their level.

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