

## **PROTOCOL ON FEE SHARING**

The fee for arbitration proceedings administered by the TAB, unlike other expenses such as the provision of funds for notifications and other expenses or the fees for registering the file, for issuing certifications or for consignments, is intended to pay the arbitrators' fees and the TAB's administration fees.

Although it is a single fee, which is determined taking into account the economic interest of the claims made by the parties throughout the proceedings, it includes both items. For the sole purpose of transparently and clearly establishing the distribution of this fee between the TAB and the arbitrator or arbitrators in the proceedings, this protocol establishes the guidelines and criteria to be followed in each case, depending on the amount or economic interest and the time at which the arbitration ends, among other circumstances to be taken into account.

This protocol, which is made up of four clauses, establishes the guidelines to be followed regarding the distribution of the fee between the TAB and the TAB arbitrators.

**FIRST.-** The TAB shall determine the percentage of the fee corresponding to the payment of the arbitrators' fees and the percentage corresponding to the TAB's own administration fees. However, in the event that a percentage different to that provided for, in general terms, in clause three is set, it shall be necessary to give reasons for its exceptionality.

**SECOND.-** The percentage of the fee corresponding to the arbitrators' fees must be expressly determined by the TAB prior to the acceptance of the arbitrators.

**THIRD.-** As a general criterion, in the event of full processing of the arbitration until the issuance of the final award, the distribution of the fee between the arbitrators and the TAB shall be as follows:

1. For amounts over €20,000,000, 25% of the fee shall correspond to the TAB and the rest to the arbitrators.
2. For amounts over €10,000,000 but equal to or less than €20,000,000, 30% of the fee shall correspond to the TAB and the rest to the arbitrators.
3. For amounts over €1,000,000, but equal to or less than €10,000,000, 40% of the fee shall correspond to the TAB and the rest to the arbitrators.
4. For amounts equal to or less than €1,000,000, 50% of the fee shall correspond to both the TAB and the arbitrators.

**FOURTH.-** In the event that the arbitration is not held in its entirety and the file is filed at any procedural moment prior to the issuing of the award, the arbitrators' fees shall be the result of applying the percentages provided for in the previous clause to the aforementioned fee until the



file is filed, according to the table in section F of the appendix to the regulations on the cost of arbitration. The following scale shall be applied to the resulting amount:

1. At the commencement of the arbitration: 10%.
2. Within the period of allegations: 30%.
3. Within the period for the submission of evidence: 50% 4.
4. Within the period for the taking of evidence or conclusions: 70%.
5. Until the issuance of the award: 90%.

In the event that the parties request a settlement award, the arbitrators' fees shall be calculated by applying the percentages set out in the above scale to the fee, calculated in accordance with the provisions of the first paragraph of this clause, plus an additional 20%. In the event that the settlement award is requested after the period of evidence or conclusions, none of the above percentages shall be applied, and the arbitrators' fees shall be those resulting from applying to the fee accrued the percentage established in the third paragraph of this clause.

the percentage established in section three of this protocol.

The resulting sum shall be the taxable amount of the arbitrator's fees and the rest of the fee due shall correspond to the TAB's administration fees until the early termination of the arbitration.

In any case, if the file is closed before the commencement of the arbitration, the entirety of the fee due shall be applied to the TAB's administration fees, without any fees being due to the arbitrator.