RULES OF PROCEDURE TAB

Into force since 1st January 2025

EMERGENCY ARBITRATOR

VII. EMERGENCY ARBITRATOR

Art. 53 The emergency arbitrator. Definition of functions

Unless otherwise agreed by the parties, the emergency arbitrator may at the request of a party and under the exclusive responsibility of that party adopt urgent and provisional interim measures and preliminary orders, establishing, where appropriate, the security deposit that the arbitrator deems appropriate.

Art. 54 Request for emergency measures

1. Any party to an arbitration agreement with submission to the TAB may request the appointment of an emergency arbitrator.

2. The request shall be submitted to the TAB, which shall record the date in the register provided for this purpose, and shall contain the information specified in paragraphs a, b, c, d, e, f and g of Article 5.2 of the Rules, in addition to the following information:

    a) an indication of the emergency measures requested;
    b) the reasons why the urgent measures requested are necessary and why the appointment of the arbitrator in the proceedings cannot be awaited;
    c) an offer of sufficient security to cover any liabilities which may arise;
    d) proof of payment of the administration fees referred to in Section I of the Annex to the Rules concerning to the cost of arbitration.

    The applicant may also submit any other document or information that they consider appropriate or that may contribute to the efficient examination of the request.

3. The request shall be written in the language of the arbitration, in accordance with the provisions of Article 20 of the Rules.

4. This procedure shall be closed without further processing if, within fifteen days following receipt of the request for emergency measures, the request for arbitration provided for in Article 5 of the Rules has not been filed with the TAB.

5. The TAB shall examine the request for an emergency arbitrator and, if the particulars set out in this title are met, shall notify on the party against whom the request is addressed.

6. The request for an emergency arbitrator shall not be processed in the following cases:

   a) if the arbitrators of the proceedings have already accepted the arbitration assignment;
   b) if the TAB is not competent to decide on the measures requested;
   c) if the admission and administration fees requested by the institution have not been paid.

Art. 55 Appointment of the emergency arbitrator

1. The president of the TAB shall appoint an emergency arbitrator within the shortest possible time, normally within three days of receipt of the request to the TAB. No emergency arbitrator shall be appointed once the arbitrators in the proceedings have accepted.

2. The emergency arbitrator shall be appointed from the list of emergency arbitrators, which shall be published on the website of the institution.

3. The emergency arbitrator must be and remain impartial and independent of the parties to the dispute.

4. The emergency arbitrator must accept their appointment within three days of receiving the arbitration file. Together with their acceptance, they must submit a statement of interests, independence, impartiality and availability, as well as an express commitment to confidentiality. The TAB will inform the parties of the appointment, acceptance and statement of interests of the emergency arbitrator.

Art. 56 Challenge of the emergency arbitrator

1. The challenge of an emergency arbitrator shall be made in writing within three days of receipt of the first notification informing of the appointment, acceptance and statement of interests or from the date on which the party was informed of the facts or circumstances on which the challenge is based, if said information is of a later date.

2. The challenge shall be decided by the TAB after the emergency arbitrator and the parties appearing have presented the allegations as they deem appropriate within a period of three days from the time they have been notified of the challenge.

3. Should the TAB accept the challenge, a new emergency arbitrator shall be appointed in accordance with the provisions of this Title. The procedure for appointing a new emergency arbitrator shall not suspend the proceedings.

Art. 57 Obligations of the emergency arbitrator

1. Once the emergency arbitrator has been appointed, the TAB shall hand over the case file to them. From that moment, the emergency arbitrator shall commence the proceedings, in accordance with Article 59.

2. The emergency arbitrator shall hear and decide with reasons given any objections, oppositions and incidents arising from requests for emergency measures.

3. The emergency arbitrator shall cease all functions upon acceptance by the arbitrators of the proceedings.

Art. 58 Seat of emergency arbitration procedure

1. In the absence of an agreement between the parties on the seat of arbitration, the president of the TAB shall determine the seat of the emergency arbitrator procedure, without prejudice to the provisions of Article 19 of the Rules.

2. Any meeting with the emergency arbitrator may be held electronically or by means of a face-to-face meeting at any place the emergency arbitrator deems appropriate.

Art. 59 Emergency arbitration procedure

1. The emergency arbitrator shall assess the adequacy of the bond offered by the applicant and establishing a procedural calendar for emergency measures in the shortest time possible; normally, within three days of acceptance.

2. The emergency arbitrator must conduct the proceedings in the manner they deem more appropriate, taking into account the nature and urgency of the measures requested, giving the parties the opportunity to assert their rights, in accordance with Article 22.2 of the Rules.

3. Without prejudice to the provisions of the previous Section, the emergency arbitrator may grant interim measures or preliminary orders without first hearing the party affected by the measure. In this case, once the measure has been granted, it shall be immediately notified to the affected party, who may challenge it before the emergency arbitrator within a period of three days from the date of notification.

4. The decision of the emergency arbitrator shall take the form of an order (the order). In this order, the arbitrator shall decide whether he has jurisdiction to grant the measures requested, whether they are admissible in accordance with Article 38.1 of the Rules, and the reasons for their decision. The order shall be dated and signed by the emergency arbitrator.

5. The order shall be issued and notified to the parties no later than fifteen days following the date of acceptance by the emergency arbitrator, unless an extension of this period is authorised by the president of the TAB at the request of the emergency arbitrator.

6. At the request of a party, the emergency arbitrator may modify or lift the granted measures or substitute them for security that is sufficient in their judgment and the circumstances of the case.

7. The arbitrators for the proceedings may modify, render ineffective or annul the order.

8. The emergency arbitrator shall make a reasoned decision in the order on the costs of the emergency measures procedure, which shall include the items set out in Article 48 of the Rules.

The emergency arbitrator shall decide on the amount and the allocation of costs between the parties.

Art. 60 Lifting of the measures adopted by the emergency arbitrator

The measures taken by the emergency arbitrator shall cease to be binding on the parties:

a) in the event that the requesting party withdraws its request;
b) in the case provided for in Article 54.4 of this Title with respect to the request for arbitration;
c) in the event of acceptance by the TAB of a challenge of the emergency arbitrator;
d) if the party who requested them does not proceed with the arbitration or does not pay the administration fees and the provisions of funds due to him;
e) if a competent state court decrees the lifting;
f) if the emergency arbitrator or the arbitrators in the proceedings render them totally or partially ineffective;
g) when the award is made, unless expressly provided otherwise.

Art. 61 General rule of emergency arbitration

1. In these proceedings a single person shall be appointed as emergency arbitrator.

2. In the absence of the president of the TAB or at the president's request, the decision-making powers of the president provided for in this Title shall be temporarily exercised by one of the persons occupying one of the two vice-presidencies, who shall act according to the president's discretion or, failing that, alternatively.

ANNEX TO THE RULES OF TAB
COST OF ARBITRATION

I. Emergency arbitrator

Fees for administration and cost of the procedure:

1. The administration fees provided for in the Annex to the Rules shall not apply to the preliminary emergency measures procedure, with the exception of Sections J and K thereof.

2. For the substantiation of the measures, the applicant for the measure shall pay an amount of 9,000.00€ to cover the administration fees and expenses of the emergency arbitrator. Proof of payment of these fees must be provided with the request for the measures in accordance with the terms of Article 54.2 d).

   The amount of the fees of the arbitrator shall be decided by the TAB according to the circumstances of the case.

3. At any time during the preliminary emergency measures procedure, the president of the TAB may decide, by means of a reasoned resolution, to increase the amount mentioned in the previous Section to a maximum of 18,000.00€, taking into consideration, among other things, the nature of the case, its complexity and the workload of the TAB and the emergency arbitrator. Failure to pay this increased administration fee within the time limit set by the TAB shall be deemed to be a withdrawal of the application for interim measures.

4. The order of the emergency arbitrator shall set the costs of the emergency measures proceedings, including the reasonable expenses incurred by the parties, and shall decide which of the parties shall pay them or in what proportion they shall be apportioned between them.

5. In the event that, once the application has been filed, the emergency measures procedure is terminated prematurely before the order is issued, the president of the TAB shall determine the amount to be reimbursed to the applicant, if any. In any case, the amount of 4,500.00€ for the TAB administration fee shall not be refundable in any case.

Barcelona, 18th November 2025