

PROTOCOL ON APPOINTMENT OF ARBITRATORS OF THE TAB

The TAB shall appoint arbitrators in accordance with the provisions of its regulations and this protocol.

Article 11 of the TAB Rules provides that: "1.- *The parties may appoint an arbitrator from the list of the TAB or from outside the list. The person appointed by agreement of the parties shall be confirmed by the TAB. ...*

3.- The TAB, after analysing the characteristics of the conflict and the appropriate specialisation for its resolution, shall appoint the person it considers suitable as arbitrator and their substitutes from among the members of the list of arbitrators. In the event that there are several suitable candidates for appointment, the TAB shall make the appointment by drawing lots and in accordance with the protocol on the appointment of arbitrators.

4.- Unless otherwise agreed by the parties or for reasons arising from the uniqueness of a particular arbitration procedure, the TAB may, by means of a reasoned resolution, may appoint a person from outside the list of the institution."

When appointing or confirming an arbitrator and their substitutes, the TAB shall consider the nationality, location and language of the parties, and their availability to conduct the arbitration in accordance with the law and the 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 ten clauses of this protocol.

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

To be included on the list of arbitrators, interested person must be specialized jurist with arbitration experience and must submit the corresponding application (www.tab.es), providing proof of the requirements set out in the Protocol for candidates.

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

- a) verify that all persons who have left 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 are up to date;
- d) incorporate, where appropriate, new candidates who meet the required merits, without prejudice to the permanent incorporation of arbitrators, where appropriate.



THIRD.- The TAB may agree to remove individuals from the list of arbitrators for the following reasons:

- a) voluntary resignation of the person accredited as arbitrator;
- b) death of the person accredited as an 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 presidency of the TAB;
- f) failure to accept or comply with the rules, fees or other internal regulations of the TAB.

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

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;
- d) persons who are merely appointed as alternates shall not be excluded, nor shall arbitrators who have rendered awards in the last two years or who are conducting a TAB arbitration, whose fees do not exceed the minimum set by the TAB at any given time.

In order to carry out the random appointment, the website “augeweb.com/azar” 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, the languages they know and their level.

NINTH.- Regarding the emergency arbitrator and in accordance with the Article 55.2 of the TAB Rules:

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

To be included on the list of emergency arbitrators, the interested party must be a jurist with proven procedural experience and must submit the corresponding application (www.tab.es), demonstrating that they meet the requirements set out in the Application Protocol.

Emergency arbitrators who do not accept within the period specified in Article 55.4 of the TAB Rules will be excluded from the TAB's list of emergency arbitrators, unless the nonacceptance is duly justified, at the discretion of the TAB.

TENTH.- Persons who are members of the TAB or of the Board of Directors of the Association to which the TAB belongs may not be appointed as arbitrators in institutional arbitration proceedings before the TAB, without prejudice to their being appointed as arbitrators in proceedings outside the TAB.

This protocol, approved on 6th July 2022, was amended by agreement of the Board of Directors on 20th November 2025. This protocol is applicable from the moment of its approval.