

PROTOCOL ON SOLIDARITY AMONG TAB ARBITRATORS

The fee for arbitrations administered by the TAB depends on the number of arbitrators and the amount or economic interest of the dispute being arbitrated. The amount is used to pay the arbitrators' fees and the expenses derived from the administration of the arbitrations, as well as the general expenses of the ACA-TAB, which has to preserve its viability and tend to be self-financing, so as not to be financially dependent on third party funders of its activity and to maintain its full independence.

In this context, the TAB's fees do not seek to make a profit for the arbitrators or for the organisation, as a non-profit organisation, but rather to fulfil the ACA-TAB's mission of promoting arbitration as an alternative dispute resolution system. However, in some arbitrations, the arbitrators' fees may be excessively low, as they depend essentially on the amount in dispute.

In order to mitigate these undesirable effects of the application of TAB fees, this protocol sets up a solidarity fund between TAB arbitrators, the purpose of which is to allocate part of the fee for cases with a higher amount to compensate other arbitrations with a lower amount or those that are more complex for the arbitrators.

This protocol, which is made up of eight clauses, establishes the guidelines to be followed with regard to TAB Arbitrators' Solidarity Fund.

FIRST.- This protocol shall only apply to arbitrations with a sole arbitrator. In the case of collegiate arbitrations, it will not apply, given that despite the number of arbitrators must be odd, the fee is only doubled, so that the resulting fees are already quite adjusted per se.

SECOND.- All arbitrations for amounts exceeding € 50,000, except in the case of arbitration panels, 4 % of the fees of the sole arbitrator shall be deducted from the fees and shall be deducted from those fees and allocated as a matter of priority to the arbitrators' solidarity fund. In the case of emergency arbitration, the 4 % deduction not apply to the emergency arbitrator's fees.

THIRD.- On accepting the arbitration assignment, the arbitrator appointed or ratified by the TAB shall accept his or her fees, in the terms agreed by the TAB, resulting from the application of the fees in force and this protocol, where applicable. This acceptance shall expressly mention the protocol of solidarity between TAB arbitrators, which, like the rest of the protocols, shall be made public on the corporate website.

FOURTH.- The contribution to the solidarity fund shall be applied, where applicable, to the arbitrator's fees, once the arbitration has been completed and in accordance with the final amount resulting from the arbitration.

FIFTH.- In cases of partial accrual of the fee in which the contribution to the solidarity fund is applicable, it shall be applied to the part of the arbitrator's fees that have been earned at the end of the arbitration, unless these resulting fees are less than € 2,000, plus VAT, in which case the provisions of the following clause shall apply.

SIXTH.- Provided that there is liquidity in the solidarity fund between arbitrators, the minimum fees to be charged by any arbitrator, regardless of the amount in dispute and the amount of the resulting fee, shall be € 2,000 plus VAT; provided there is a surplus in the solidarity fund, this may also be used to cover other arbitration costs, such as the review of awards.

SEVENTH.- In view of the complexity of an arbitration, at the discretion of the TAB, the fees of the arbitrators, whether it is a sole arbitrator or an arbitration panel, may be increased by the TAB with a charge to the solidarity fund between arbitrators.

EIGHTH: The application of the solidarity fund between arbitrators shall only be effective from the moment that the arbitrators' fund accumulates the minimum necessary to be able to apply the provisions of clause six to a specific case.

This protocol, approved on 26 January 2023, was amended by the Board of Directors on 23 July 2026.