

PROTOCOL ON THE CHALLENGE OF TAB ARBITRATORS

Article 16.3.b) of the TAB Regulations establishes that: *‘the arbitrator or the other parties may reject the challenge, therefore, once the parties have been heard and the relevant evidence has been presented with full respect for the parties’ rights to be heard, to equality and to contradiction, the TAB shall adopt a reasoned decision on the challenge raised. Its decision shall be final’.*

For this purpose, it is hereby recorded that the TAB uses the IBA Guidelines on Conflicts of Interest in International Arbitration as reference soft law to assess the specific circumstances that may arise in any recusations made and their consequences.

In this sense, when it corresponds to the TAB to decide on a challenge, it must be processed in accordance with this protocol, by virtue of which a Challenge Committee is created, independent of the members of the TAB and its Board of Directors, except for the chair of the committee, but assisted by the TAB staff. This protocol consists of six clauses.

FIRST.- Before the TAB decides on a challenge, it shall provide the members of the Challenge Committee with access to the documents necessary to study and report on the challenge raised. Even so, at the request of any of the members of the Committee, the TAB shall make available to them any additional information it may have about the person subject to the challenge.

SECOND.- Before the TAB decides on a challenge, the Challenge Committee shall issue a brief report on the challenge raised. This report, which must include both the majority opinion and dissenting opinions, must be issued within ten days of the documentation mentioned in the first clause being provided, unless the TAB sets a different time limit. For duly justified reasons of urgency, the TAB may dispense with this preliminary report, when the circumstances of the case so advise.

THIRD.- The Challenge Committee shall be made up of a minimum of two and a maximum of five members, all of them appointed by the TAB Board of Directors from among persons who are not members of the TAB's governing bodies. In addition, the Board of Directors shall appoint from among the members of the TAB, at the proposal of its president, the person who at any given time holds the position of president of the Committee.

FOURTH.- The president of the Committee may invite the TAB rapporteur in the arbitration in which a challenge has been raised to participate in the work of the Committee itself, being allowed to speak but not to vote.

FIFTH.- In the event that any of the persons making up the Committee is affected by a conflict of interest, they shall not participate in the report of that file. To this end, another member shall be appointed from among the persons listed as substitutes for committee members.

SIXTH.- All the members of the Objections Committee must sign a confidentiality agreement on taking up their appointment. The provisions of clauses two, three, eight, nine and ten of the ACA-TAB Protocol on Committees shall also apply to the Challenge Committee.



This protocol, adopted on 18th November 2024, was amended by a resolution of the Board of Directors on 17th March 2026.