



## **PROTOCOL ON RAPPOREURS OF THE TAB**

The people forming the TAB shall act as rapporteurs for the cases in which they are appointed. The rapporteur is the TAB representative in each case and is responsible to the TAB for the case and for any decisions affecting it. Persons who do not meet the requirements indicated in Article 10 of the Regulations may not act as rapporteurs. In this sense, the rapporteur must be and remain independent and impartial throughout the arbitration, and may not have personal, professional or commercial relations with either party.

As a representative of the TAB, the rapporteur must diligently and impartially deal with procedural queries, complaints or suggestions that may be addressed to them by the lawyers or the arbitrators or substitutes appointed under the terms of this protocol. For these purposes, the rapporteurs may be assisted at all times by the TAB's lawyers.

This protocol, which consists of eleven clauses, establishes the functions and guidelines to be followed in the development of the TAB's rapporteurships.

**ONE.-** The order of assignment of the proceedings shall be, according to the order of entry of the cases, in strict alphabetical order of the first surname of all the persons who make up the TAB, as members thereof. The assignment of the proceedings shall be carried out exclusively by the lawyer responsible for the TAB, with the approval of the president of the TAB.

The person who holds the presidency of the TAB shall be exempted from acting as a speaker.

**SECOND.-** Rapporteurships are non-delegable. However, when the speaker of one or more arbitration cases is not present at a session of the TAB in which that case is to be dealt with, the person who holds the presidency of the TAB shall assume the presentation for the sole purpose of that session of the TAB. The same criteria will be followed in the event that the rapporteur is unable to continue acting as rapporteur for one or more cases, due to illness or other similar reasons.

**THREE.-** From the moment any member of the TAB ceases to hold office, all arbitration cases for which they are rapporteur will be reassigned, following the order set out in clause one. The same procedure will be followed when a rapporteur must be replaced in one or more cases for any other reason.

**FOURTH.-** Grounds for replacing the speaker in these functions are:

- a) voluntarily ceasing to be a member of the TAB;
- b) being dismissed, as a member of the TAB, by the competent body;
- c) supervening incompatibility with an arbitration case;
- d) other duly justified grounds, at the discretion of the Board of Directors.

**FIFTH.-** In accordance with the protocol on transparency, the persons who form part of the TAB are obliged, from the moment they accept their appointment, to maintain the confidentiality of all the deliberations of the meetings and hearings they attend in the exercise of their duties, as well as the confidentiality of all the information and documentation they examine in the arbitration files.



**SIXTH.-** The full names, telephone number and e-mail address of the rapporteur for each case will be communicated to the parties in the first communication from the TAB to the parties, specifying the functions of the rapporteurs.

**SEVENTH.-** The functions of the rapporteur, with regard to the arbitration cases in which he acts as rapporteur, are:

- a) to represent, directly or indirectly, the TAB;
- b) to report, in the sessions of the TAB, on everything that affects the arbitration case;
- c) to answer to the TAB for all the decisions that are adopted;
- d) propose the field of expertise of the arbitrator to be appointed, following a report from a TAB lawyer;
- e) ensure that at the TAB session at which an arbitrator is to be appointed, a numbered list of eligible persons is available, in accordance with the appointment regulations and protocol.
- f) address any procedural questions directly or indirectly to the arbitrators;
- g) to attend to the lawyers, directly or indirectly, with any procedural questions;
- h) to follow up on the arbitration case, directly or indirectly;
- i) to review, directly or indirectly, the final award.

In all matters in which the rapporteur acts indirectly, they will do so through a TAB lawyer.

**EIGHTH.-** The rapporteur shall attend, in person or by teleconference, all sessions of the TAB in which any arbitration case for which they are rapporteur is under consideration. If they are unable to attend, they shall provide a TAB lawyer with the appropriate proposals and/or indications that they wish to submit for deliberation by the TAB, if possible, in writing. The TAB lawyer will report on these proposals and/or indications. In these cases, it will be understood that the rapporteur entrusts all the decisions that have to be taken, including the appointment of an arbitrator, to the other members of the TAB who attend the session.

**NINE.-** The rapporteur acts without remuneration, without prejudice to his or her right to reimbursement of expenses expressly justified by documentary evidence, arising from the performance of their duties. Expenses directly related to the performance of their duties as arbitrators in a specific case shall be charged to the case in question.

**TENTH.-** In accordance with the transparency protocol, TAB members may not be appointed as arbitrators in arbitrations administered by the TAB.

Even so, in accordance with the provisions of art. 42 of the ACA-TAB Articles of Association, TAB members may not simultaneously act as lawyers for one of the parties in an arbitration administered by the TAB, while at the same time being members of the TAB.

**ELEVEN.-** In accordance with the transparency protocol, if any of the persons forming part of the TAB has any conflict of interest in a given matter, they will be deemed incompatible and unable to take part in the decisions on that matter.



This protocol, approved on 6<sup>th</sup> July 2022 and amended on 18<sup>th</sup> April 2024, was reviewed by the Board of Directors on 20<sup>th</sup> November 2025.