

Arbitration News

JUNE 2023

What Spanish courts are saying

SPAIN

- The High Court of Justice of Madrid, in its [Judgment of 4 May](#), dismisses a claim for setting aside an arbitral award for the alleged violation of public policy, based on the absence of a necessary passive joinder. The Court emphasises that an application for setting aside cannot be alleged to review the merits of an award, and states that the reasoning of the award was not arbitrary, illogical or contrary to the principle of joinder of parties. The reporting judge Santos Vijande, issues a dissenting opinion stating that the award disregards the duty to review ex officio that the procedural relationship had been constituted in accordance with the law.
- The High Court of Justice of Madrid, in its [Judgment of 18 May](#), rejects an application for setting aside an arbitral award for the alleged violation of public policy, as the award had been issued disregarding the existence of parallel criminal proceedings. The Court referred to the fact that the arbitrator reasoned their decision to deny the suspension of the arbitration procedure due to the parallel criminal proceedings. Citing the Constitutional Court's doctrine on external review in proceedings for the setting aside of awards, the Court concluded that the statement of reasons could not be described as arbitrary, illogical, absurd or irrational.

What is happening outside Spain

INTERNATIONAL

- Two new judgments have been issued in the saga between the Heirs of the Sultan of Jolo and the State of Malaysia. Firstly, the Paris Court of Appeal, in its [Judgment of 6 June](#), has rejected a request for the recognition and enforcement of a jurisdictional award on the grounds that the arbitration agreement on which the arbitration was based is null and void, and that the arbitrator lacked jurisdiction. Secondly, the Hague Court of Appeal, in its [Judgment of 27 June](#) (summary available [here](#)), has rejected an application for the recognition and enforcement of the final award for the same reasons.
- The Paris Court of Appeals, in its [Judgment of 13 June](#), rejects an application for setting aside a partial award where an arbitral tribunal decided in favour of consolidating several claims in a single arbitration proceeding, and declared itself competent over all the parties. The Court of Appeals shares its view regarding consolidation of contracts with different arbitration clauses and the extension of such clauses to non-signatory parties.

Some interesting publications and events

ACADEMIC WORLD

- The Madrid International Arbitration Centre (MIAC) held, on 16 June, the [1st Meeting of the MIAC Working Groups](#), an event that brought together more than 200 experts at the Palace of Santoña to discuss arbitration in different sectors, with seven round tables.
- The Spanish and Ibero-American Arbitration Club (CEIA) organised, from 18 to 20 June, the XVII International Congress "[Arbitration in Times of Crisis and Disruption](#)" in Madrid, bringing together more than 500 arbitration practitioners from all over the world.

What we have been up to at Pérez-Llorca

PLL

- Félix J. Montero (Litigation and Arbitration partner at Pérez-Llorca) participated, on 22 June, in the congress "[Spain, a market of opportunities](#)" organised by Pérez-Llorca and IE Law School, within the framework of the Pérez-Llorca/IE Chair and in collaboration with LLYC, moderating the round table "Spain as a forum for international dispute resolution".
- Fernando Bedoya (Litigation and Arbitration partner at Pérez-Llorca) participated as a Faculty Member, on 22 June, in the practice sessions on opening statements and witness examination organised as part of the [2023 International Arbitration Skills Masterclass](#) held by the American Bar Association.