

Arbitration News

DECEMBER 2023

What Spanish courts are saying

SPAIN

- The High Court of Justice of Castilla-La Mancha, in its [Judgment of 21 November](#), grants a request for the judicial appointment of an arbitrator to decide on the nullity of the general meetings of a company. The defendant company rejected the submission of this type of dispute to arbitration and argued that the arbitration clause was not valid because it referred to the 1988 Arbitration Act. However, the Court holds that the arbitration clause should be interpreted integrally, stating that the will of the parties to submit corporate disputes to arbitration prevails.
- The High Court of Justice of Valencia, in a Decision issued in December (summary in Spanish available [here](#)), refuses to recognise a CIETAC award. The Court relies on the IBA Guidelines on Conflict of Interest and concludes that the participation of the president of the tribunal in previous proceedings between the parties, relating to the same contract, gives rise to a “reasonable doubt” as to his impartiality and, consequently, is contrary to Spanish public policy.

What is happening outside Spain

INTERNATIONAL

- The Paris Court of Appeal, in its [Judgment of 5 December](#), analyses whether an arbitral tribunal may order the payment of interest even though it had not been requested by the parties in their pleadings. The Court establishes that, although the pleadings did not expressly mention the specific interest claimed, the arbitral tribunal had the power to order the payment of interest accrued on the payment of damages and the costs of the arbitration.

Some interesting publications and events

ACADEMIC WORLD

- The Courts and Tribunals Judiciary of the United Kingdom published, on 12 December, “[Artificial Intelligence \(AI\) Guidance for Judicial Office Holders](#)”, which deals with the use of artificial intelligence.
- The MIAC, on 19 December, [presented its new Arbitration Rules](#), at an event that brought together more than 100 experts and professionals from the sector.
- The CEIA has published [Iurgium](#), the new edition of what was previously known as the “Spain Arbitration Review”, which includes publications of national and international interest, as well as the winning articles of the II Competition of articles on arbitration organised by CEIA -40.
- The ICC has published Issue 3 of the “[ICC Dispute Resolution Bulletin](#)”, which devotes a section to the centenary of the ICC, reviews the most relevant issues in international arbitration, and offers several practical guidelines and comments on procedural issues.
- GAR has published the fifth edition of its [Guide to Construction Arbitration](#), which compiles the main substantive and procedural issues in construction arbitration in key jurisdictions.

What we have been up to at Pérez-Llorca

PLL

- Felipe Nazar, Alberto Trueba and Sofia Pinheiro (Litigation and Arbitration partner and lawyers at Pérez-Llorca) published, on 4 December, their article “[Análisis del nuevo Reglamento del CIAM](#)” in Diario La Ley.
- Javier Tarjuelo and Pablo Orts (Litigation and Arbitration lawyers at Pérez-Llorca) published, on 12 December, their article “[La prueba ilícita en arbitraje: algunas consideraciones tras la Sentencia del Tribunal Superior de Justicia de Madrid de 14 de junio de 2023](#)” in El Derecho.
- Celia Cañete (Litigation and Arbitration lawyer at Pérez-Llorca) participated, on 12 December, in the hybrid event “[VYAP Connect - 2023 in Review: France, Spain and Portugal](#)” co-organised by PVYAP in Paris, PTVYAP in Lisbon, and MAD VYAP in Madrid.