

Arbitration News

MARCH 2024

What Spanish courts are saying

SPAIN

- The High Court of Justice of Madrid, in its [Judgment of 20 December](#), dismisses a request to set aside an award based on Art. 41.1.f) of the Arbitration Act, on the grounds of procedural defects in the handling of the proceedings. The Court considers that even if such defects existed, they are insufficient to set aside the award as, in this case, they did not give rise to material defencelessness.

What is happening outside Spain

INTERNATIONAL

- The CJEU, in its [Judgment of 14 March](#), holds that the United Kingdom breached European Union law by allowing the enforcement of the ICSID award issued in the *Micula v. Romania* case.
- The High Court of Justice of England and Wales, in its [Judgment of 29 February](#), refuses to enforce an award issued in an arbitration administered by the Kuwait Chamber of Commerce and Industry Commercial Arbitration Centre, alleging that both the award and the arbitration had been an invention.
- The Paris Court of Appeal, in its [Judgment of 13 February](#), establishes that non-participating third parties in an investment arbitration initiated under a BIT, in favour of which rights to the award had been assigned, may participate in the enforcement of the award. This regardless of the fact that such third parties were not “investors” within the meaning of the BIT.

Some interesting publications and events

ACADEMIC WORLD

- ICSID published, on 11 March, the [Updated Background Paper on Annulment](#), which analyses precedents and details of how the annulment process works in practice.
- The Council of the European Union approved, on 7 March, a [coordinated exit](#) from the Energy Charter Treaty, although the final decision rests with the European Parliament. Portugal has also announced that it will [leave](#) the Treaty, effective as of 2 February 2025.

What we have been up to at Pérez-Llorca

PLL

- Félix J. Montero (Litigation and Arbitration partner at Pérez-Llorca) participated as a speaker, on 21 March, at the “[X Meeting of the Central American and Caribbean Arbitration Group](#)” in the Dominican Republic.
- Felipe Nazar (Litigation and Arbitration partner at Pérez-Llorca) participated as a moderator, on 18 March, at the event “[Innovations in Cross-Border Dispute Resolution](#)” hosted by Pérez-Llorca.
- Fernando Bedoya (Litigation and Arbitration partner at Pérez-Llorca) participated as a speaker, on 14 March, at the conference “[International Arbitration in a Changing World](#)” organised by Leaders League.
- Celia Cañete and Javier García Urbano (Litigation and Arbitration lawyers at Pérez-Llorca) published, on 5 March, the Spanish chapter of “[2023 Arbitration Year in Review](#)”, coordinated by Jus Mundi.
- Félix J. Montero, Fernando Bedoya, Daragh Brehony and Celia Cañete (Litigation and Arbitration partners and lawyers at Pérez-Llorca) have published “Evidence in international arbitration: due process, equality, right to be heard, and right to challenge” and “Memory under scrutiny: fact witnesses in international arbitration”, in the book “[Arbitraje y Jurisdicción. Homenaje a Miguel Ángel Fernández-Ballesteros](#)”.
- Pérez-Llorca participated in the ninth edition of the Madrid Vis Pre-Moot on 28 and 29 February. [The Firm hosted twelve universities which competed in six hearings](#), conducted by tribunals composed of lawyers from the Firm and external colleagues.
- Felipe Nazar, Silvia de Paz and María de Arcos (Litigation and Arbitration partner and lawyers at Pérez-Llorca) published, on 25 February, “[ISDS and ESG: Friends or Foes?](#)” on Kluwer Arbitration Blog.