

Arbitration News

MAY 2024

What Spanish courts are saying

SPAIN

- The High Court of Justice of La Rioja, in its [Judgment of 14 March](#), partially upholds a claim seeking: (i) primarily, the appointment of the Bar Association of La Rioja as the institution administering the arbitration; and (ii) subsidiarily, the appointment of an arbitrator. The Court rejects the main claim, on the grounds that the arbitration clause did not contain any agreement on the administrative institution, and instead upholds the subsidiary claim.
- The High Court of Justice of Madrid, in its [Judgment of 12 March](#), dismisses an action to set aside an award that had been rendered outside the time limits set by the applicable arbitration rules, in accordance with article 37.2 of the Spanish Arbitration Act.

What is happening outside Spain

INTERNATIONAL

- The US Court of Appeals (District of Columbia), in its [Judgment of 14 May](#), upholds the recognition of the award rendered in the Micula case, in which Romania was ordered to pay compensation to Swedish investors. This is despite the fact that in 2015 the European Commission ruled that the payment of the compensation ordered to Romania in the award, would be contrary to the European Union regulation on State aid. The Court of Appeals upholds the interpretation of the District Court of Columbia, which held that European Union law did not apply to the dispute.
- The Svea Court of Appeal, in its Judgment of 27 May (summary [here](#)), sets aside an award rendered under the Energy Charter Treaty condemning Italy to compensate a Dutch investor. The Court holds that the arbitration agreement contained in the ECT is incompatible with European Union law and, therefore, that upholding the award would be incompatible with the basic principles of the Swedish legal system. Including this decision, the Swedish Courts have already set aside at least six awards by applying the decisions rendered by the CJEU in Achmea and Komstroy (see [Arbitration News compilation for the year 2023](#), as well as [Arbitration News April 2024](#)).

Some interesting publications and events

ACADEMIC WORLD

- The Silicon Valley Arbitration & Mediation Center published, on 30 April, the “[Guidelines on the Use of Artificial Intelligence in Arbitration](#)”. These guidelines deal with aspects such as the possibility of delegating functions to an artificial intelligence, or confidentiality and responsibility in its use.
- On 14 May, the Kingdom of Spain [withdrew](#) from the Energy Charter Treaty. The withdrawal will enter into force on 17 April 2025. However, [Article 47\(3\) ECT](#) provides that it shall continue to apply for a period of twenty years from the date on which the withdrawal takes effect.
- The ICC has published the “[ICC Dispute Resolution Bulletin 2024 No. 1](#)” in May, which compiles the main global recent developments and case law in arbitration.
- The Hong Kong International Arbitration Centre (HKIAC) has published its [new arbitration rules](#), effective as of 1 June, which aim to increase efficiency and integrity in arbitration proceedings.

What we have been up to at Pérez-Llorca

PLL

- Celia Cañete (Litigation and Arbitration lawyer at Pérez-Llorca) participated, on 24 May, in the [conference](#) organised on the occasion of the final rounds of the 3rd edition of the [Sports Arbitration Moot](#), in her capacity as co-founder.