

Arbitration News

JULY 2024

What Spanish courts are saying

SPAIN

- The High Court of Justice of Madrid, in its [Judgment of 24 May](#), dismisses an action for annulment of an arbitration award. The dissenting opinion interprets the case law of the Constitutional Court, and argues that judicial control over the reasoning of awards cannot be limited to recognising whether the award has been reasoned, but must extend to ensuring that such reasoning is not arbitrary nor unreasonable.
- The High Court of Justice of Madrid, in its [Judgment of 28 May](#), dismisses an action for annulment of an arbitral award in which the exception of compulsory joinder of defendants was raised on the grounds that the institution and the arbitral tribunal should have been sued. This exception is rejected by the Court, which considers that neither the institution nor the arbitrators hold legitimate interests in annulment proceedings.

What is happening outside Spain

INTERNATIONAL

- The Paris Court of Appeal, in its [Judgment of 4 June](#), asserts that French courts can examine facts related to corruption, even if they were not raised by the parties in the arbitration proceedings. The Court dismisses the action for annulment, among other reasons, because the alleged corruption was not proven.
- The Brussels Court of Appeal, in its [Judgment of 18 June](#), orders the seizure of the receivables of a Spanish public company, Enaire, against Eurocontrol. The seizure, amounting to USD 32 million, is the result of Spain's failure to pay an award in favour of a European investor under the Energy Charter Treaty.
- The Svea Court of Appeal, in its [Judgment of 28 June](#) (summary [here](#)), sets aside an award issued under the Energy Charter Treaty condemning Spain to compensate investors from Luxembourg, Italy and Denmark with EUR 48 million. This is the fifth annulment ordered by this Court in 2024 based on *Komstroy*.

Some interesting publications and events

ACADEMIC WORLD

- The European Commission published, on 22 July, a [report](#) addressed to the European Parliament and the Council on the functioning of Regulation (EU) No 912/2014 establishing a framework for managing financial responsibility linked to investor-to-state dispute settlement tribunals established by international agreements to which the European Union is party. The report analyses claims brought against Member States and the European Union in recent years.
- The ICC has published the “[2023 ICC Dispute Resolution Statistics](#)”, which analyses the Court's main statistics in recent years. In 2023 alone, the ICC registered 890 new arbitrations.

What we have been up to at Pérez-Llorca

PLL

- Javier Tarjuelo (Litigation and Arbitration lawyer at Pérez-Llorca) participated, on 2 July, in “[Dialogues for the future of the judiciary. LXXXIV. Special Arbitration](#)” published in Diario La Ley.
- Fernando Bedoya and Ignacio Santabaya (Litigation and Arbitration partners at Pérez-Llorca) delivered, on 5 July, a workshop on cross-examination as part of the [GoArb 2024: Landing on Your First International Arbitrations](#) course. Celia Cañete (Litigation and Arbitration lawyer at Pérez-Llorca) participated as organiser of the course.
- Daragh Brehony and Sofia Pinheiro (Litigation and Arbitration lawyers at Pérez-Llorca) published, on 13 July, the article “[Preliminary determinations in international arbitration](#)” in *Economist & Jurist*.