

# Arbitration News

SEPTEMBER 2024

## What Spanish courts are saying

SPAIN

- The High Court of Justice of Madrid, in its [Judgment of 9 July](#), upholds a claim for the judicial appointment of an arbitrator, despite the dissolution of the arbitration court designated in the arbitration agreement.
- The High Court of Justice of Castilla y León, in its [Judgment of 20 June](#), sets aside an award for violation of public policy on the grounds that the arbitral tribunal issued the award without examining the merits of the case, even though the claimant had indeed provided the necessary elements for the arbitral tribunal to hear the dispute.
- The High Court of Justice of Madrid, in its [Judgment of 9 April](#), sets aside an award due to the arbitrator's lack of jurisdiction. The Chamber considers that the parties had waived arbitration by previously submitting the same dispute to judicial jurisdiction.

## What is happening outside Spain

INTERNATIONAL

- The US District Court for the District of Columbia, in its [Memorandum Opinion of 26 September](#), authorises the enforcement of an ICSID award in which Spain was ordered to pay EUR 23.5 million under the Energy Charter Treaty, in favour of the assignee of the award.
- The Paris Court of Appeal, in its [Judgment of 10 September](#), refuses the intervention in the enforcement proceedings to those who acquired the rights to the award, but were not party to the arbitration.
- The heirs of the Sultan of Sulu have initiated an USD 18 billion arbitration against Spain before ICSID (summary available [here](#)), claiming that Spain has obstructed the enforcement of the award against Malaysia, amounting to a denial of justice. The request for arbitration was filed on 15 August 2024, but has not yet been registered by ICSID.
- An ICSID *ad hoc* committee, in its [Decision of 14 August](#), dismisses a request for annulment made by Spain against the intra-EU award in favour of the investor Renergy.
- The Supreme Court of British Columbia (Canada), in its [Judgment of 1 August](#), confirms that, when a Court is deciding on the existence of an arbitration agreement, it may issue an interim injunction preventing the commencement of arbitration proceedings until it decides on the existence of the agreement.

## Some interesting publications and events

ACADEMIC WORLD

- The Spanish National Markets and Competition Commission (CNMC) approved, on 3 September, its [Arbitration Rules](#) to resolve disputes between economic operators.
- Working Group III of UNCITRAL published, on 8 July, a [draft](#) of the Multilateral instrument on ISDS reform. The Multilateral instrument aims to establish mechanisms for states to modify existing BITs.
- CIAM-CIAR presented, in July, a new report prepared by the Working Group on international arbitration on experts, concerning [“The calculation of interest in arbitration proceedings”](#).

## What we have been up to at Pérez-Llorca

PLL

- Fernando Bedoya (Litigation and Arbitration partner at Pérez-Llorca) participated as a speaker, on 16 September, at the breakfast organized at Pérez-Llorca “Similarities and differences in arbitration practices between Europe and Asia”, which was attended by Kevin Nash, Registrar of the Singapore International Arbitration Centre (SIAC).
- Celia Cañete (Litigation and Arbitration lawyer at Pérez-Llorca) participated as a speaker, on 21 of September, in the webinar [“The experience of Sports Arbitration Moots”](#) organised in Lima.