

# Arbitration News

OCTOBER 2024

## What Spanish courts are saying

SPAIN

- The High Court of Justice of Islas Baleares, in its [Judgment of 26 July](#), dismisses an action to set aside an award since it was filed after the limitation period had expired. The action to set aside had initially been filed before the Court of First Instance No. 1 of Palma, which issued an order to discontinue the proceedings due to a lack of objective jurisdiction. The Court held that the limitation period was not interrupted by the filing of the first lawsuit.
- The High Court of Justice of Pais Vasco, in its [Judgment of 25 June](#), dismisses an action to set aside an award and confirms the arbitrability of disputes arising between cooperatives, as well as between cooperatives and their members. The Court clarifies that the termination of the membership of those who have resorted to the arbitral proceeding does not affect the arbitration clause.

## What is happening outside Spain

INTERNATIONAL

- Two ICSID tribunals, in Awards dated 11 October (summary [here](#)), have dismissed two claims brought by European investors against Spain under the Energy Charter Treaty, on the grounds that they lacked jurisdiction.
- The Supreme Court of the United Kingdom, in its [Judgment of 18 September](#), confirms that English courts have the power to grant anti-suit injunctions in support of foreign arbitrations when the arbitration agreement is governed by English law. The Court analyzes the procedure for determining the applicable law to arbitration agreements in absence of an express agreement based on the cases *Enka Insaat ve Sanayi AS v. OOO Insurance Company Chubb* and *Carpatsky Petroleum Corp v. PJSC Ukrnafta*.
- The French Court of Cassation, in its [Judgment of 18 September](#), states that an arbitral tribunal's refusal to grant a party's request for document production is not sufficient grounds to set aside an arbitral award.
- The Constitutional Court of Peru, in its [Judgment of 14 June](#), confirms that it is not possible to recourse to constitutional protection (amparo) when there is an arbitration agreement, indicating that arbitration is “*a fast and effective way*”.

## Some interesting publications and events

ACADEMIC WORLD

- The Civil and Commercial Court of Arbitration (CIMA) held, on 16 and 17 October, the III CIMA Conference on the occasion of its 35th anniversary, named “[Arbitration in a State governed by the Rule of Law](#)”.
- Global Arbitration Review has published “[The Guide to Aviation and Space Disputes](#)” which aims to provide an overview of the main features, regulation and opportunities of these two industries.

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

PLL

- Fernando Bedoya and Belén Lassala (partner and lawyer at Pérez-Llorca) published, on 30 September, the article “[States should take a prudential approach to the implementation of GLoBE rules to avoid ISDS](#)” in *Columbia FDI Perspectives*.
- Félix J. Montero, Fernando Bedoya and María Antonia Pérez (partners and lawyer at Pérez-Llorca) participated as speakers, on 23 October, in the event “[Practical aspects of parallel proceedings: arbitration and jurisdiction](#)” which took place at Pérez-Llorca.
- Julia González and Celia Cañete (counsel and lawyer at Pérez-Llorca), have participated as co-authors in the book “[Arbitration in Mexico](#)” published by Wolters Kluwer, with their chapters “[The Rise in Mexico's Energy Disputes: A Focus on Oil and Gas Cases](#)” and “[Concluding Thoughts on Arbitration in Mexico](#)”. Cañete has also participated as Associate Editor of the book.