

Arbitration News

DECEMBER 2024

What Spanish courts are saying

SPAIN

- The Constitutional Court, in its [Judgment of 2 December](#), states that external judicial review of arbitral awards is permissible in cases where rules declared to be of public policy by the Court of Justice of the European Union are not applied, without allowing the arbitrators' decision on the merits to be replaced.
- The High Court of Justice of Cataluña, in its [Judgment of 17 July](#), confirms that only natural persons can be arbitrators, as set forth in Article 13 of the Arbitration Act, in a case where an auditing company had been appointed as arbitrator, without the latter appointing a natural person to perform such function.

What is happening outside Spain

INTERNATIONAL

- The US Court of Appeals (District of Columbia), in its [Judgment of 2 December](#), despite the intervention of the European Union, rejects Spain's request to review the decision which confirmed the validity of three awards condemning Spain to compensate foreign investors with EUR 358 million.
- The Svea Court of Appeals, in its Judgment of 12 November (summary [here](#)), interprets restrictively the most-favored-nation (MFN) clause contained in an BIT, rejecting its application to jurisdictional issues.
- The Paris Court of Appeals, in its [Judgment of 3 October](#), establishes that the opening of insolvency proceedings may justify the stay of an award enforcement proceeding, when the enforcement may cause serious harm to the creditors of the condemned party.

Some interesting publications and events

ACADEMIC WORLD

- The Court of Arbitration of Madrid (CAM) has published its new Arbitration Rules (available in Spanish [here](#)), which came into force on 1 January 2025. They are inspired by the Rules of the Madrid International Arbitration Center - Ibero-American Arbitration Center (CIAM-CIAR) and, among other new features, they remove certain procedural rules, regulate in greater detail the inclusion of third parties and the joinder of proceedings, and introduce a highly expedited procedure.
- The Singapore International Arbitration Centre (SIAC) has published: (i) its new [Arbitration Rules](#), which came into force on 1 January 2025 and introduce new procedures, broaden the scope of expedited proceedings, improve emergency arbitration, and include provisions to encourage mediation between the parties; and (ii) a draft of the "[Insolvency Arbitration Protocol](#)" for public consultation until 17 January 2025, which proposes a mechanism tailored to disputes in the context of insolvencies, offering an efficient procedure based on the SIAC rules, designed in collaboration with insolvency and arbitration experts.
- The ICC Task Force on Corruption published, on 1 November, "[Red flags or Other Indicators of Corruption in International Arbitration](#)", which recommends a procedure for identifying and assessing red flags of corruption in international arbitration proceedings.

What we have been up to at Pérez-Llorca

PLL

- Javier Tarjuelo and Jaime López (Litigation and Arbitration lawyers at Pérez-Llorca) have published "[The ELI principles regarding third-party litigation funding](#)" in El Derecho.
- Javier Tarjuelo (Litigation and Arbitration lawyer at Pérez-Llorca) has been [appointed coordinator](#) of the Spanish and Ibero-American Arbitration Club -40 (CEIA-40) for the period of 2025-2026.