

Arbitration News

MARCH 2023

What Spanish courts are saying

SPAIN

- The High Court of Justice of Murcia, in its [Judgment of 2 March 2023](#), reiterates that the time limit for filing a claim for the annulment of an arbitration award is an expiry period and not a limitation period, meaning that it is calculated from date to date, without excluding the month of August or public holidays.
- The High Court of Justice of Catalonia, in its [Judgment of 12 December 2022](#), rejects the request for the judicial appointment of an arbitrator on the grounds that the subrogation of one of the parties to the arbitration agreement had not been verified.
- The High Court of Justice of the Basque Country, in its [Judgment of 23 December 2022](#), declares that it was valid for an arbitrator to appoint liquidators, when deciding on the dissolution of a company.

What is happening outside Spain

INTERNATIONAL

- The District Court of Amsterdam, in its [Decision of 8 March 2023](#), rejects Poland's request to order the termination of an intra-European Union arbitration. The arbitration was initiated by a Dutch investor against Poland and seated in London.
- An ICSID ad hoc committee, in its [Decision of 2 March 2023](#), confirms a €31 million award in favour of a group of European investors, in an arbitration brought against the Kingdom of Spain under the Energy Charter Treaty. The committee held that the arbitration tribunal gave substantive reasons for departing from the judgment of the Court of Justice of the European Union in the *Achmea* case.
- The Court of Appeal of Paris, in its [Judgment of 21 February 2023](#), set aside an arbitration award on the grounds that the arbitral tribunal wrongly declined jurisdiction by concluding that, in a dispute arising under the UK-Uruguay Bilateral Investment Treaty (“BIT”), the claimants were not investors nor was there an investment in accordance with the BIT.

Some interesting publications and events

ACADEMIC WORLD

- The Spanish Arbitration Club has published the 46th issue of the Spain Arbitration Review, which will soon be available on its [website](#).
- The American Review of International Arbitration (Columbia Law School) has published “[The Recent Amendment of Italy's Arbitration Law and the Ongoing Review of the English Arbitration Act: Two Arbitration Reforms in Comparison](#)”, in which a comparative analysis is provided of the arbitration regulation reforms being carried out in England and Wales, on one hand, and Italy, on the other.
- Global Arbitration Review has published “[Will Switzerland face treaty claims over Credit Suisse?](#)”, in which it analyses the scope for international investors to sue Switzerland for losses resulting from the sale of Credit Suisse to UBS.

What we have been up to at Pérez-Llorca

PLL

- On 3 March 2023, Pérez-Llorca took part in the eighth edition of the Madrid Vis Pre-Moot. [The Firm hosted eight universities that competed in four hearings](#), conducted by panels composed of lawyers from within the Firm and external colleagues.
- Daragh Brehony (lawyer at Pérez-Llorca) participated as a speaker at the conference “[Corruption in International Arbitration](#)” co-organised by MAD VYAP and ACMEY in the framework of the VIII Madrid Vis Pre-Moot.