

# Arbitration News

APRIL 2023

## What Spanish courts are saying

SPAIN

- The High Court of Justice of Galicia, in its [Judgment of 17 March 2023](#), annuls an arbitration award for manifest failure to provide reasons. The arbitral tribunal had found a company and its director jointly and severally liable, without the latter having been a party to the proceedings.
- The Supreme Court, in its [Judgment of 21 March 2023](#), reiterates that the suspension of the effects of an arbitration agreement by an insolvency judge does not alter the general rules of determining jurisdiction, nor does it entail a right on the part of the insolvency judge to take over the matter.
- The High Court of Justice of Madrid, in its [Judgment of 28 March 2023](#), holds that control of abusiveness and qualified control of transparency of an arbitration clause, do not apply when the contracting parties are natural persons and there is no professional-consumer relationship.

## What is happening outside Spain

INTERNATIONAL

- The High Court of England and Wales has issued [three interim payment orders](#) against Spain for the enforcement of an award, ordering the precautionary seizure of certain assets and rights of the Instituto Cervantes and the Agencia per a la Competitivitat de L'Empresa in London.
- The High Court of Australia, in its [Judgment of 12 April 2023](#), holds that Spain cannot invoke sovereign immunity to prevent the recognition and enforcement of an ICSID award, as Spain's accession to the ICSID Convention is tantamount to a waiver of such immunity.
- The Court of Cassation of France, in its [Judgment of 22 March 2023](#), dismisses a claim brought against the International Chamber of Commerce for allegedly unfair conduct on the part of the arbitration institution. The Court held that the claimant's request was not based on the performance of the arbitration institution, but on the arbitral tribunal's handling of the arbitration.

## Some interesting publications and events

ACADEMIC WORLD

- The International Bar Association (IBA) has held its annual conference in Lisbon on 13 and 14 April, on the occasion of the [24th IBA Arbitration Day](#).
- Kluwer Arbitration Blog, on 16 April, has published the article "[Recognizing Annulled Awards in the U.S. Court of Appeals for the Tenth Circuit: Compañía de Inversiones Mercantiles SA v. Grupo Cementos de Chihuahua SAB de CV](#)" regarding the recognition and enforcement of awards that have been, or may be, annulled at the seat of arbitration.

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

PLL

- On 18 April, Pérez-Llorca presented its book "[Estudios Jurídicos sobre Sostenibilidad: Cambio Climático y Criterios ESG en España y la Unión Europea](#)". The publication contains a chapter on the trends and impact of ESG investment in investor-state arbitration.
- On 18 April, Celia Cañete (lawyer at Pérez-Llorca) spoke at the conference "[Metaverso y juegos psicológicos en el arbitraje](#)".
- On 20 April, Pérez-Llorca hosted the [quarter-final rounds of the XV edition of the Moot Madrid](#).
- On 26 April, Daragh Brehony and Alberto Trueba (lawyers at Pérez-Llorca) published their article "[El arbitraje como mecanismo de resolución de controversias relacionadas con criptomonedas](#)" in *Economist & Jurist*.