

Arbitration News

FEBRUARY 2025



What Spanish courts are saying

SPAIN

- The High Court of Justice of Madrid, in its [Judgment of 21 January](#), upholds an action to set aside an award that had been rendered: (i) without verifying that the notification of the claim had been properly served; and (ii) without allowing the respondent the full period granted to submit its arguments and evidence.
- The High Court of Justice of Madrid, in its [Judgment of 3 December](#), upholds an action to set aside an award on the grounds that the notifications made during the arbitration proceedings had not been effectively carried out. Specifically, the Court holds that notification of the commencement of arbitration proceedings via SMS was insufficient, as it did not provide proof of effective receipt.
- The Provincial Court of Granada, in its [Decision of 11 November](#), upholds the challenge to the enforcement of an award on the grounds that the enforcing party had not provided the arbitration agreement nor proof of notification of the award, defects deemed irremediable. The Court relies on previous case law to state that “*this is not a mere formalism but a procedural requirement for enforceability*”.



What is happening outside Spain

INTERNATIONAL

- The England and Wales Court of Appeal, in its [Judgment of 12 February](#), declares that Russia cannot invoke immunity in the enforcement proceedings of three awards issued in the *Yukos* saga.
- The United States District Court for the District of Columbia, in its [Order of 13 January](#), rejects the Kingdom of Spain’s request to stay the enforcement proceedings of an award until the Supreme Court rules on its appeal regarding *forum non conveniens*. Nevertheless, the Court acknowledges that there is a divergence of opinion among US courts on the application of *forum non conveniens* in the enforcement of awards under the New York Convention.



Some interesting publications and events

ACADEMIC WORLD

- On 24 February, the [amendment of the United Kingdom’s Arbitration Act](#) came into force. Among the main new features, it establishes that arbitration agreements will be governed by the law of the seat of arbitration unless otherwise agreed by the parties.
- A working group of the IBA Arbitration Committee published, on 19 February, the [Report on Res Judicata in International Arbitration](#), which concludes that it would be advisable to establish a *soft law* standard of *res judicata*, and suggests that a committee be tasked with drafting guidelines for this purpose.
- The ICC published, on 12 February, its [Arbitration and ADR preliminary dispute resolution statistics](#) for 2024. Last year, 831 new arbitrations were registered, with an average amount in dispute of USD 130 million.
- The Arbitration Centre of the Lima Chamber of Commerce has published its new [Arbitration Rules](#), which will enter into force on 1 March 2025.



What we have been up to at Pérez-Llorca

PLL

- Félix J. Montero (Litigation and Arbitration partner at Pérez-Llorca) participated as a speaker, on 21 February, in the round table “Case law of the Portuguese and Spanish courts” organised on the occasion of the conference [Diálogos Ibéricos de Arbitragem 2025](#) held in Oporto.
- Javier Tarjuelo (Litigation and Arbitration associate at Pérez-Llorca) participated as a speaker, on 6 February, in the [Presentation of the new CEIA -40 Coordination](#).