

Arbitration News

APRIL 2025

What Spanish courts are saying

SPAIN

- The High Court of Justice of Navarra, in its [Judgment of 13 March](#), dismisses an action to set aside an award emphasizing that the counterclaim in arbitration, in order to be admitted, must satisfy the requirements established in the Civil Procedure Act in terms of objective connection and competence.
- The High Court of Justice of Galicia, in its [Judgement of 12 March](#), dismisses an action to set aside an award holding that the reasoning of an award does not constitute a fundamental right and has no impact on public policy.
- The High Court of Justice of Castilla y León, in its [Judgment of 12 March](#), dismisses an action to set aside an award due to the absence of an arbitration agreement, finding that, regardless of the terms expressly used by the parties (sometimes, “*private conciliation protocol*”; others, “*private trial*”; and others, “*arbitration*”), there is evidence of an intention to resolve the existing dispute by means of an arbitrator.
- The Provincial Court of Asturias, in its [Judgement of 28 February](#), while upholding an appeal, considers that the general rule is that, from the declaration of the insolvency proceedings until its conclusion, the validity of the arbitration agreements entered into by the debtor is maintained. In order to deviate from this rule, it is necessary to prove the specific damage that maintaining the validity of the arbitration agreement would mean for the insolvency proceeding.

What is happening outside Spain

INTERNATIONAL

- The Supreme Court of India, in its [Judgement of 30 April](#), states that it has the constitutional power to modify arbitral awards under certain circumstances, “*with a view to do complete justice between the parties*”.
- The England and Wales High Court, in its [Judgment of 17 April](#), rules that India’s ratification of the New York Convention does not, in itself, amount to an express waiver of sovereign immunity from English courts.
- The French Court of Cassation, in its [Judgment of 2 April](#), holds that compliance with the *ratione temporis* requirements for the application of a bilateral investment treaty is not a procedural matter but a substantive one.

Some interesting publications and events

ACADEMIC WORLD

- A group of academics argue, in an [independent legal opinion published in April](#), that the UK could avoid the application of the sunset clause of the Energy Charter Treaty (ECT) by signing agreements to that effect with other States that also withdraw from the ECT.
- The *Chartered Institute of Arbitrators* (Ciarb) has published its [Guidelines on the Use of AI in Arbitration](#), with the aim of providing practical and ethical guidance on the application of artificial intelligence.

What we have been up to at Pérez-Llorca

PLL

- On 10 April, Pérez-Llorca participated in the [XVII edition of Moot Madrid](#). The Firm hosted twelve universities who competed in six hearings, conducted by arbitral tribunals composed of lawyers from the Firm and external colleagues. Guillermo Cabrera, José Luis Ruiz de Castañeda, Celia Cañete and Javier Sánchez (Litigation and Arbitration lawyers at Pérez-Llorca) [participated as arbitrators](#) during the event.
- Javier Tarjuelo (Litigation and Arbitration lawyer at Pérez-Llorca) participated as moderator, on 8 April, in the round table “[Arbitration and trends in the aerospace sector](#)”, within the framework of the event held at Pérez-Llorca “[Aerospace Law and Arbitration: practical vision and lessons learned](#)”.