



What Spanish courts are saying

SPAIN

- The High Court of Justice of Aragón, in its [Judgment of 14 May](#), upholds an action to set aside an award on the grounds that the arbitrator ruled in equity when the arbitration agreement only authorised a decision based on the law.
- The Provincial Court of Barcelona, in its [Judgment of 8 April](#), upholds an appeal against the dismissal of a plea for lack of jurisdiction, applying a restrictive interpretation of the material scope of application of an arbitration agreement. In particular, the Provincial Court considers that the termination of a lease agreement does not fall within the concept of “contingency” as used in the arbitration clause. The Court understands that the issue at hand is the termination of the contractual relationship, rather than a dispute arising during the term of the contract. Therefore it cannot be regarded as a “contingency” that the parties agreed to submit to arbitration.
- The High Court of Justice of Madrid, in its [Judgment of 11 June](#), partially upholds an action to set aside an award with regard to the award of costs. The Court understands that, when the opposing party was not given notice of the costs award, article 30.3 of the Arbitration Act was violated, giving rise to a lack of defence which leads to the partial nullity of the award.



What is happening outside Spain

INTERNATIONAL

- The CJEU, in its [Judgment of 1 August](#), considers that the courts of the Member States may review the decisions of the Court of Arbitration for Sport (“CAS”) in order to assess the compatibility of the awards with EU law. Accordingly, CAS awards will not automatically enjoy *res judicata* or evidentiary value in the territory of Member States and will require prior judicial review as to their compatibility with the public policy of the Union.
- The Paris Court of Appeal, in its [Judgment of 3 June](#), considers that the arbitrator’s failure to rule on one of the issues raised (*infra petita* decision) does not constitute sufficient grounds for set aside the award.
- The Swiss Federal Tribunal, in its [Judgment of 6 February](#), confirms the validity of the decision adopted by an arbitral tribunal to prevent an investor with Spanish and Venezuelan nationality from invoking the Spain-Venezuela BIT to sue Venezuela. In cases of dual nationality, the decisive element is where the investor’s center of economic interests is located, over and above its residence.



Some interesting publications and events

ACADEMIC WORLD

- On 1 August, 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 default by the law of the seat of arbitration unless otherwise agreed by the parties.
- A working group composed of academics from the *Université Paris 1 Panthéon-Sorbonne* has issued a report “[Towards an EU Law on International Commercial Arbitration?](#)” on the opportunity for the EU legislator to include new provisions in the Brussels I *bis* Regulation on international commercial arbitration.



What we have been up to at Pérez-Llorca

PLL

- Fernando Bedoya and Ignacio Santabaya (Litigation and Arbitration partners at Pérez-Llorca) gave a workshop on cross-examination on 4 July as part of the [GoArb 2025: Navigating your first international arbitrations](#) course. José Luis Ruiz de Castañeda and Rolando Seijas (Litigation and Arbitration associates at Pérez-Llorca) participated as arbitrators in the hearing simulations.