

Arbitration News

What Spanish courts are saying

SPAIN

- The High Court of Justice of Aragon, in its [Judgment of 12 December](#), dismisses an action to set aside an arbitral award in which the arbitral tribunal had extended the arbitration clause to a non-signatory third party. In particular, the Court validates the sole arbitrator's decision to extend the arbitration agreement to a company and its director –both non-signatories– after finding that a fraud of law had been established through the instrumental use of a shell company aimed at circumventing a non-compete obligation.
- The High Court of Justice of the Balearic Islands, in its [Judgment of 7 November](#), upholds an action to set aside an arbitral award and rules on the admissibility as evidence of certain communications exchanged between the parties' counsel and between counsel and the arbitrator. The Court recalls that communications exchanged exclusively between lawyers in connection with a dispute are confidential; this is not the case, however, for emails exchanged between the arbitrator and the parties, which are not protected by legal professional privilege.

What is happening outside Spain

INTERNATIONAL

- The Paris Court of Appeal, in its [Judgment of 15 January](#), sets aside an arbitral award rendered against Russia, *inter alia*, on the grounds that there were reasonable doubts as to the impartiality of the president of the arbitral tribunal. The Court bases such doubts, in particular, on (i) a public statement issued by the law firm to which the president belongs during the course of the arbitration, condemning the invasion of Ukraine, and (ii) the arbitrator's activity on social media, as evidenced by “likes” of posts critical of Russia.
- The Court of Appeal of England and Wales, in its [Judgment of 13 January](#), confirms that English courts may enforce anti-suit injunctions ordered by arbitral tribunals.
- The Singapore International Commercial Court, in its [Judgment of 9 January](#), dismisses an application to set aside an award rendered under the Energy Charter Treaty in an UNCITRAL arbitration seated in Singapore, by which an EU Member State had been ordered to compensate UK investors. The Court holds that the Energy Charter Treaty is governed by international law and that the primacy of EU law does not operate beyond the limits of the EU legal order. It clarifies that the case law of the CJEU (*Achmea, Komstroy*) binds the courts of EU Member States, but not arbitral tribunals or courts of third States.

Some interesting publications and events

ACADEMIC WORLD

- The Center for American and International Law has published the “[ITA Guide to Latin America Arbitral Institutions](#)”, which analyses recent developments in Latin America in the field of domestic and international arbitration, with a particular focus on the arbitral institutions established across the region.
- The working group of the ICC Commission on Arbitration and ADR has published the report “[Expedited Procedure Provisions](#)”, addressing the use of expedited procedures. The report includes guidance on the application of expedited procedures across a wide range of disputes.
- The Madrid International and Iberoamerican Arbitration Center (CIIAM) unveiled its new name and visual identity at an [event](#) held on 19 January.

What we have been up to at Pérez-Llorca

PLI

- Daragh Brehony and Margaux Baillou (Litigation and Arbitration counsel and associate at Pérez-Llorca) published, on 20 January, the article “[El uso de las ofertas selladas \(Sealed Offers\) en el arbitraje internacional: Mecanismo de eficiencia y asignación de costas](#)”.