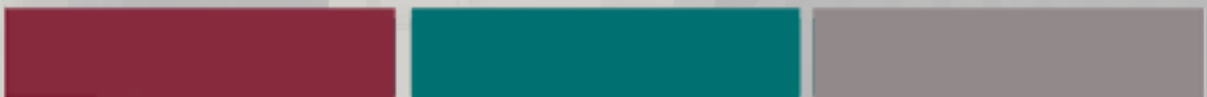




**Corte de Arbitraje**  
Ilustre Colegio de Abogados de Madrid





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# What is the Court of Arbitration?

**Established in 1990, the Court of Arbitration is part of the range of services provided by the Distinguished Law Society of Madrid, as an alternative to the courts of justice.**

**The Court of Arbitration is tasked with resolving the controversies submitted to it by natural persons and legal entities, in the matters they freely decide.**

**The Court of Arbitration offers a recently renovated list of arbitrators, grouped by specialties. Their addition to this list is approved by the Court upon the motion of an Assessment Committee.**

**The members of the Court of Arbitration are designated by the Council of Government.**



# Main Duties

**The Court of Arbitration carries on its duties following its Operating Statutes and its Procedural Rules approved by the Council of Government of ICAM:**

**It assists the parties and the to make sure that arbitrators the process is successful.**

**It facilitates the administrative structure required to implement the procedure.**

**It designates the arbitrator(s) when the parties have failed to do so, and it is always responsible for appointing them.**


**It collaborates with jurisdictional bodies for the duties provided under the Law.**

**It analyses and drafts any reports requested from it on private law arbitration.**

**It collaborates with other specialised bodies on the matter concerned.**

**It safeguards the documents.**

# The Arbitration Clause



The Distinguished Law Society of Madrid encourages the inclusion in contracts and agreements of the following clause to foster arbitration for any controversies that could arise:

*“The parties agree to resolve any controversies arising in respect of this contract or agreement through arbitration administered by the Court of Arbitration of the Law Society of Madrid, subject to its Statutes and Procedural Rules.”*

## The Arbitration Clause

One of the prerequisites for arbitration proceedings is an arbitration agreement, which should be drafted in clear, precise and comprehensive terms.



The parties can specify in the clause if they want lawful or equitable arbitration, the number of arbitrators, and the language and the place of the arbitration, although in the absence of these specifications, the default provisions of the Rules shall apply.





## **Statutory Arbitration: Article of the Articles of Association including the Arbitration Agreement**

1. Any corporate conflicts, affecting the company, its shareholders and/ or its directors (including, by way of example, the challenge of company resolutions, company and individual liability claims against directors and controversies concerning the call of company bodies) are to be submitted to arbitration, and its administration and the appointment of arbitrators is entrusted to the Court of Arbitration of the Distinguished Law Society of Madrid, according to its Rules and Statutes.

2. The arbitration shall be lawful arbitration.

3. The place of the arbitration shall be the city of Madrid (or any other place agreed by the shareholders).



# Arbitration Procedure



**It the meeting of 6 June 2018, the Council of Government of ICAM approved the reform of the Statutes and Rules of the Court of Arbitration to introduce emergency arbitrators, statutory arbitration and the Assessment Committee to assess applications from lawyers wishing to be arbitrators of the Court.**

**This agreement ensures that ICAM's Court has modern regulations, allowing**

**it to be on a par with the most advanced courts of arbitration in the world.**

**It also regulates a swift and simple procedure for cases involving smaller amounts or cases on special matters, considering that the Court, unlike other arbitration institutions, also administers non-commercial arbitration to support its social and public service mission, entrusted to it by ICAM.**

## To achieve this, the regulation complies with both targets:

(i) It sets out an ordinary proceedings, basically replicating the procedure devised by the Spanish Arbitration Club, encompassing the best national and international arbitration practices.

(ii) It has expedited proceedings for matters where the joint sum of the claim and the counterclaim are not greater than 100,000 euros, and for other matters with unspecified and incalculable amounts, notwithstanding the powers of the Court to process arbitration under the ordinary proceedings.

(iii) It sets forth a special subject-matter procedure for issues like urban rentals and professional fees, and for other cases where the parties wish to apply these special rules.

**The Statutes, the Rules and the Annexes on arbitration costs and the emergency arbitrator can be downloaded at <http://www.cortearbitraje.com>**



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